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**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 15 November 2000

Mercredi 15 novembre 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 15 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 15 novembre 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

INJURED WORKERS

Mr Tony Ruprecht (Davenport): Two days ago, Ontario's injured workers demonstrated in front of the Ministry of Labour's offices. I wanted you to know that Dalton McGuinty Liberals stand with them as they request a fair deal from this government.

(1) Injured workers and their dependants should not have to rely on their pensions being topped off by welfare payments. McGuinty Liberals would overhaul the injured workers payments.

(2) Injured workers' benefits should be protected from inflation. McGuinty Liberals would introduce a fair inflation factor to protect workers' benefits from inflation.

(3) We would introduce a stringent program to improve the collection of unpaid and uncollected employers' premiums.

(4) We would reinstate the independence of the Occupational Disease Panel. The panel must be free to research and provide independent advice on the links between diseases and the workplace.

(5) Every injured worker must have the right to independent appeal. McGuinty Liberals would ensure that the Workers' Compensation Appeals Tribunal has the necessary autonomy to ensure fairness, thoroughness and independence for every appeal.

It simply isn't right that we as MPPs will be receiving 17% increases while those who are injured on the job in Ontario get only 0.2% increases.

CARTWRIGHT HIGH SCHOOL

Mr John O'Toole (Durham): I've got very good news for the House today. Last Friday, I attended commencement ceremonies at Cartwright High School in Blackstock. This school continues a tradition of setting excellent standards and many good things happening in a rural community school—a small rural school, I might say. Each year, an exceptionally high number of students graduate and go on to pursue post-secondary education. I congratulate principal Karen Allen as well as music teacher Mr John Beirness and, in fact, the whole teaching community, and also the community involving local business and service clubs that provide bursaries and recognition.

My congratulations also go to Julie Obstfeld, who was the student council prime minister and also the student who achieved the highest OAC average. I would like to add that of the 17 OAC students, 12 were Ontario scholars. On behalf of everyone in the riding of Durham, I congratulate all the students of Cartwright High School and wish them the best of success for their futures.

Congratulations must also go to another group of students in the Cartwright area. Recently, Jessica McLaughlin and Joel Gunther accepted an award for rural youth achievement on behalf of all the young people involved in the creation and running of the Cartwright youth activity centre volleyball league. This award was part of Ontario's second annual award of rural excellence through the Foundation for Rural Living. With no extracurricular activity sports offered to the school, these young people worked together to form their own volleyball league and successfully allowed children to participate. A \$3,200 grant was granted by the Trillium Foundation to help with their expenses.

I commend the students as leaders and future leaders in the province of Ontario.

DOCTOR SHORTAGE

Mrs Lyn McLeod (Thunder Bay-Atikokan): It's almost a year since the McKendry report on the shortage of doctors was released and almost a year since the Minister of Health established the Peter George task force to advise on how to implement the McKendry recommendations. Every time this issue is raised now, the minister says she is waiting for the task force report. Well, so are we all, and the crisis in access to physician care is becoming more critical with every day that we wait.

In northwestern Ontario as of September, there was a shortage of 55 family doctors and 48 specialists. About 30,000 people in Thunder Bay have no family doctor. One of these 30,000 is Terry Loyst, who has multiple sclerosis and desperately needs a physician who can prescribe medication to relieve his pain. Another is an asthmatic patient who has lived in Thunder Bay for three years and still has no family doctor.

The shortage of specialists creates another kind of crisis. The waiting time to see an ophthalmologist in Thunder Bay is two and a half years, yet ophthalmology isn't even one of the areas identified by Dr McKendry as facing a critical shortage across the province. We know that across the province there is a shortage of cancer

specialists. We know there is an even greater shortage of obstetricians, orthopaedic surgeons, general surgeons, anaesthetists, psychiatrists and pathologists. We know that 107 communities are now underserved for family physicians, that 25% of Ontarians do not have a family doctor. We know that the two obstetricians in Owen Sound are no longer accepting new patients.

We can't wait much longer for the government to act. We need more medical school spaces, more residency spots, more opportunities for foreign-trained doctors to obtain Ontario licences, and we need decentralized medical school training.

We look to the task force report to recommend all these initiatives, and for the Harris government to act on them immediately.

RESTORATIVE JUSTICE

Mr Bert Johnson (Perth-Middlesex): I'd like to tell my colleagues about the actions being taken in Perth county to assist troubled youth in conflict with the community.

Yesterday in Stratford, the PACT advisory committee hosted the first annual restorative justice event, as part of National Restorative Justice Week. PACT stands for Perth Alternatives and Choices for Troubled Teens.

Restorative justice is about restoring relationships and about healing rifts. It encourages offenders to be aware of their actions and their impact on the community. It also gives victims, offenders and the community a voice in the justice system.

Madam Justice Catherine McKerlie was the keynote speaker. She spoke about the important role that restorative justice has in the justice system.

The PACT advisory committee established a diversion program, which is an early intervention program for young offenders, as well as a suspended learners program that focuses on creative responses to suspended students.

The restorative justice efforts in Perth county have also strengthened working relationships between police, social services, schools and the community, in an effort to address both the needs of the young people and the needs of the community.

I'd like to congratulate Kelly and John Mistruzzi, owners of Family and Company in Stratford, who received this year's Restorative Justice Award.

I'd also like to applaud the efforts of the PACT advisory committee for helping to build a safe and healthy community in Perth county.

MIKE WEIR

Ms Caroline Di Cocco (Sarnia-Lambton): I'm pleased to rise in this House today to congratulate Mike Weir, a Sarnia native, on his successful season ending on the PGA golf tour. Mike Weir won the biggest golf tournament in his life on Sunday at Valderrama.

He comes from the suburb of Brights Grove in Sarnia, where I live, and his parents still live there. It's known

that Sarnia-Lambton, by the way, has the largest number of golf courses per capita in all of Canada.

Mike Weir had a rough start when he had to requalify for the PGA tour, and then he won the qualifying tournament, which put him back on that tour. He won, of course, the Air Canada Open in Vancouver, and last week he won in Spain.

No other Canadian has won so much money on a tour; he has finished sixth in the season's winnings.

Mike Weir's home course is at Huron Oaks in Brights Grove, and he doesn't forget his roots. He holds a junior golf clinic during the week of the Bayer golf tournament at Huron Oaks every year. He also participates in the Sarnia Sunshine Foundation charity golf tournament on that same course every year.

Mike Weir is considered a local sports hero. He's raised the profile of golf for young Canadians, just as Tiger Woods has done for Americans.

Congratulations to Mike Weir and his family on his remarkable accomplishments in the world of golf. Mike Weir is Canada's greatest ambassador for golf, but always mentions his roots in Brights Grove, Sarnia.

Mr Steve Peters (Elgin-Middlesex-London): On a point of order, Mr Speaker: I'd just like to point out that Mike Weir's caddy is a young gentleman by the name of Brennan Little, who's a resident in my riding, in St Thomas.

ONTARIANS WITH DISABILITIES LEGISLATION

Ms Marilyn Churley (Toronto-Danforth): Later I will be presenting a motion written in Braille as a symbol of one of the many barriers people living with disabilities face in Ontario today.

My statement endorses the only thing any Tory government member has done for people living with disabilities in this and other legislative sessions. It supports the bill put forward by MPP David Young to make June Deaf-Blind Awareness Month.

While the effort is honourable, the simple reality is that hundreds of thousands of people living with disabilities in Ontario are begging this government to keep their promise and bring in a strong and meaningful Ontarians with Disabilities Act. This government continues to refuse. You might be willing to dedicate an awareness month, but you refuse to bring in laws that would tear down barriers to the disabled in Ontario, barriers like the inability to have a simple statement read aloud in Braille in the Legislature, which is supposed to represent all Ontarians, not just those with sight.

Today, the Ontarians with Disabilities Act Committee is holding an event in the Legislature to raise awareness for the growing call to tear down barriers in Ontario. The NDP disability critic, Tony Martin, is holding a similar event today in his home riding of Sault Ste Marie.

We ask the same thing of this government: will you please make good on your promise to bring in an ODA? Stop stalling and table it here in the Legislature today.

1340

TRENTON MEMORIAL HOSPITAL

Mr Doug Galt (Northumberland): I rise today to inform the members of this House about tomorrow's official opening of the newly renovated Memorial Hospital in Trenton. Tomorrow's opening marks the beginning of a more modern, efficient service for patients in the east Northumberland and Quinte regions. The new, 45,000-square-foot addition is state-of-the-art, bright, climate-controlled and barrier-free. It also houses ambulatory clinics, an emergency department, a patient care unit with 40 beds, a special care unit, patient registration and operating rooms.

This project took more than 10 years of planning, negotiations and community fundraising. It was promised, but never approved, by former governments.

The initiative is a success, thanks to the persistence, hard work and dedication of both Quinte Healthcare and the Health Services Restructuring Commission. With the support and commitment of this government, and the work of Quinte Healthcare, the people of Northumberland and Quinte west now have access to the most modern and most efficient hospital facility of any in the province.

Our government is indeed committed to building a province that meets the changing health needs of all Ontarians. The new Trenton Memorial Hospital is a perfect example of that commitment.

WINTER HIGHWAY MAINTENANCE

Mr Michael Gravelle (Thunder Bay-Superior North): While the calendar may say that winter officially begins on December 21, there is no question that the winter season is now upon us in northern Ontario. In fact, the government even acknowledges this as the Ministry of Transportation has for many years designated tomorrow, November 16, as the day when winter maintenance standards officially go into effect.

With all the changes over the past five years, particularly the massive move to privatization of this service by the government, I want to put the Ministry of Transportation and the private contractors on notice today that we are watching their performance very closely this year. While the ministry maintains their standards have not declined over the years, I and the driving public clearly disagree. But, as the saying goes, the proof is in the pudding.

But one thing is irrefutably clear: we are seeing many more highway closures the last few years than ever before—even in our mildest winters. I recognize that these closures are put in place to ensure the safety of the driving public, but my question is: could some of these closures have been safely avoided if maintenance work had been done in advance?

This past weekend, for example, the Trans-Canada Highway between Nipigon and Marathon was closed for a few hours because transport trucks could not make it up

some of the steep hills on that section of the highway. Had the road maintenance crews been sent out in advance ready to salt those sections, it's quite likely this closure could have been safely avoided. While it may save money to simply close a section of highway so that contractors can do their job unimpeded by traffic, it is my belief that these road closures, if they can be safely avoided, should be. Drivers in the north who must frequently travel long distances deserve that consideration.

FEDERAL CORRECTIONS SYSTEM

Mr Garfield Dunlop (Simcoe North): I too congratulate Mike Weir on his magnificent performance.

However, as a Canadian, it is very disappointing to watch on a weekly basis the embarrassment that our federal corrections system is to our country. Although the minister of corrections, Lawrence MacAulay, is ignorant enough to claim that we have "the best system in the world," it is very unfortunate that he does not consider the detention of convicted cop killers in minimum security facilities to be important to those of us who are concerned about the safety and security of Canadians.

Only five years ago, Clinton Suzack was convicted of first-degree murder in the death of Sudbury Police Constable Joe MacDonald. He now has been sent from Kingston Penitentiary to a medium-security facility in Mission, BC. Rose Cece and Mary Taylor, who murdered Toronto police Detective Bill Hancox, shared the same cell at Club Fed, a Joliette, Quebec, facility until Ontario Minister Rob Sampson shamed federal corrections into separating them. Gary Fitzgerald, who murdered OPP Constable Richard Verdecchia and left Orillia OPP Constable Neil Hurtubise on the road to die, escaped a BC minimum security facility named Ferndale. And last week, James Hutchison, convicted of executing two east coast police officers, simply walked away from the Kingston Humane Society while on an escort pass.

Over the last few months I've listened to the rhetoric, fear-mongering and scare tactics from members of the opposition as our minister of corrections has genuinely established guidelines to reform an outdated, ineffective and inefficient corrections system here in Ontario.

I challenge the Leader of the Opposition to show respect for the dedicated police officers of our province and demand that his federal cousins stop this act of allowing convicted police murderers on to the streets and into the neighbourhoods of our country. Show us, one time, that you have the courage to act on behalf of Ontarians.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): I would like to ask all members to join me in welcoming our new group of pages. We have Jared Baker from Durham; Geoffrey Baklarz from Guelph-Wellington; James Beange from Oak Ridges; Pascale Bouchard from Algoma-Manitoulin; Aaron Core from Lambton-Kent-Middlesex; Alexandra

Davey from Pickering-Ajax-Uxbridge; David Fagerdahl from Kenora-Rainy River; Timothy Love from Peterborough; Silvia Maida from Etobicoke Centre; Timothy March from Scarborough East; Victor Nifo from Etobicoke-Lakeshore; Jessica Paczuski from Parkdale-High Park; Jenna Scharman from Kitchener Centre; Katherine Scott from Brant; Andrew Spinner from Windsor West; Allison Stark from Hamilton West; Miranda Virtanen from Nickel Belt; Adam Warren from London North Centre; Rosemary Wilson from Chatham-Kent-Essex; and Heather Witlox from Parry Sound-Muskoka.

I'm sure all members join in welcoming our new group of pages.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the 14th report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

INTRODUCTION OF BILLS

KMFC HOLDINGS INC. ACT, 2000

Mr Ouellette moved first reading of the following bill:
Bill Pr28, An Act to revive KMFC Holdings Inc.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

VISITORS

Mr Dave Levac (Brant): On a point of order, Mr Speaker: I want to bring to the attention of the House a very special visit from the Brant-Haldimand-Norfolk Catholic District School Board, students from all across the board, visiting to learn about democracy, organized by teacher Mr Terry Dunigan and principal Terry Slaght, I'd like to welcome them here in the House today.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Frank Klees (Minister without Portfolio): I seek unanimous consent to put forward a motion regarding private members' public business.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mr Klees: I move that notwithstanding standing order 96(g), notice for the ballot number 54, standing in the name of Alvin Curling, appear on the orders and notices paper by Monday, November 20, 2000.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Motions?

Ms Marilyn Churley (Toronto-Danforth): I have a motion.

The Speaker: There isn't a provision to introduce a motion by a member.

1350

Ms Churley: May I have unanimous consent?

The Speaker: What you could do is say very briefly what the unanimous consent is so everybody knows.

Ms Churley: I'm asking for unanimous consent. It's a bit of an unusual request, but I have a motion with respect to establishing June as Deaf-Blindness Month in Braille in both official languages, and I would like to ask that the Clerk read this to the Legislature. I would ask—

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Ms Churley: So you're not going to allow me—

The Speaker: I'm afraid I can't. The orders don't allow it, other than if there is unanimous consent, and I'm afraid I did not hear it. Unfortunately, I can't break the rules.

Ms Churley: May I ask for another unanimous consent?

The Speaker: Unanimous consent on another subject?

Ms Churley: May I present this as a motion and have this brought to the Clerk to table?

The Speaker: What you can do is just send it up to the clerks, if you'd like. That doesn't need a motion just to send it to the clerks, if you would be so kind.

Ms Churley: May I make a brief statement on what this motion is about?

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: The opposition was informed that the Premier would be here for question period, and we wonder if that is still the case.

The Speaker: Yes. We did wrap up rather early. I knew if I stalled long he would come in. It is now time for oral questions.

ORAL QUESTIONS

MEMBERS' COMPENSATION

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. It is quite clear that if there is one common thread of interest that has run throughout your political career, it has been your per-

sonal interest. In 1975, when you were a trustee at the Nipissing school board, you voted yourself a 166% pay hike. In 1997, you gave yourself nearly \$1 million as a pension payout. During the past several days, you said you want a 42% pay hike. We've said no and the people of Ontario have said no. You've also said you want a 33% pay hike. We've said no and the people of Ontario have said no. Now we understand you want a 17% pay hike. We say no and the people of Ontario are also saying no.

How can you justify your exorbitant demands for pay hikes and speak to your employer in this matter, the people of this province?

Hon Michael D. Harris (Premier): I apologize for my voice, but hopefully, with technology and the assistance of my friends, you'll all be able to hear me.

First of all, I would like to indicate that I have very publicly been on the record over the last 10 years in support of no pay increases at all. In addition to that, I have supported pay cuts of 10% over the last 10 years, so not only have MPPs not had a pay increase over the last 10 years, they've had pay cuts equivalent to 10%. I also supported a bill that scrapped the tax-free allowance, something that I wish the federal government would do. I also supported a bill that eliminated the gold-plated pension plan and replaced it with an RRSP. Those are the things I have supported and are well on the record.

In addition, I indicated that there would be no restoration of the 10% pay cut, as long as I was Premier, until the books were balanced. The books are balanced so I'm prepared to consider, if the parties wish that—

The Speaker (Hon Gary Carr): Order. The Premier's time is up.

Mr McGuinty: I think that many Ontarians don't really know this: you took close to \$1 million in 1997 as part of your pension payout—this from the guardian of the public purse.

I believe that we, the members of this Legislature, who enjoy the privilege of public service, are at the end of the day nothing more and nothing less than public servants. In that regard, we are like our teachers and our nurses and our firefighters and our police.

You have told them they're not entitled to anything more than somewhere between 2% and 3%. I think we deserve the same kind of treatment here in this Legislature, as a matter of fairness, as a matter of principle and understanding that we too are public servants. Premier, in all of the circumstances, given what our public servants have received, do you not agree that we should be getting something in the range of 2% to 3%?

Hon Mr Harris: Because the matter is one for all MPPs, I think this is a matter that should be decided by MPPs. I've been very clear on the record supporting no increase for a 10-year period, in fact pay cuts for a 10-year period and no chance of restoring that 10% until the books were balanced, which after the disgraceful record of you and the NDP we finally were able to achieve last June.

You're quite right: I took a pension payout equivalent to \$49,000 a year. Had I not done that, I would be entitled now to a pension of \$104,000 indexed for the rest of my life. As a result of that change to the RSP, my pension is now worth half what it would have been had I left the previous legislation in place. That is something I voted for, to scrap it. I thought it was the right thing to do. You voted for it. Your party voted for it. If you now have changed your mind, we'd be delighted to hear that.

Mr McGuinty: Premier, in 1995 you promised, "Never again will politicians' pay be settled behind closed doors or through backroom deals." Rather than send your House leader on wild goose chases and then later pull the rug out from under his feet, why don't you and I talk about this here, right now?

During the course of the next three years, I am proposing that we each receive—it's interesting how the House quietens on this matter—a 2% pay hike. That's 6% over the course of the next three years, nothing more and nothing less, to take effect January 1, 2001. Let's pull this out from under the table and put it on top of the table. There's a proposal. I think it's fair, I think it's just and I think it's perfectly in keeping with what we've been awarding our public servants.

Hon Mr Harris: In addition to making the commitment in support of the 10% pay cut, I was also very clear that I didn't think we should set our own pay, so I also supported a process to have the Speaker, when the books were balanced, have an independent commission. You supported that. The NDP supported that. You've now clearly changed your mind on that. That's fair. That's your right to do. Nobody is saying you don't have the right to flip-flop and change your mind.

Now you're asking me to have the MPPs set the pay. On that basis, you're 6% too high.

Interjections.

The Speaker: Stop the clock please. Order.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Dalton McGuinty (Leader of the Opposition):

The question is to the Premier, but just so we are clear, I said 6% over three years. The Premier believes that 42% is still acceptable, 33% is still acceptable and so, somehow, is 17%.

My question has to do with the absence of an Ontarians with Disabilities Act, yet to appear—

Interjections.

The Speaker (Hon Gary Carr): Stop the clock please; sorry to interrupt. Order. On to the next question. Sorry for the interruption, leader of the official opposition. You can start again. We'll have the full minute.

1400

Mr McGuinty: Premier, we in the Liberal Party believe that our family members—our brothers and our sisters, our sons and our daughters, our mothers and our fathers—who have disabilities have every entitlement to achieve their full potential here in our province. We

believe they deserve every right of access to opportunity, and that's why we have supported from the outset a real and a strong Ontarians with Disabilities Act.

Premier, you made that kind of promise five and a half years ago. Over two elections ago you made that promise, and you have yet to introduce in this Legislature a real Ontarians with Disabilities Act. Premier, why do you continue to fail Ontarians with disabilities?

Hon Michael D. Harris (Premier): You're quite right; we have committed to bring in an Ontarians with Disabilities Act. I think the minister has made the commitment in any one of a number of meetings from July 27 to September 28, on November 23, September 8, in meetings with Mr Lepofsky of Ontarians with disabilities, and indicated that we would be consulting. She has been, as you know, consulting not only on an act but on a whole plan, not just legislation, for persons with disabilities and has made a commitment I think for 2001 that we would have legislation in place and hopefully, with your support, enacted.

We are in that consultation process and on schedule to meet those commitments.

Mr McGuinty: Premier, you have been dragging your feet for five and a half years on this very important issue, and when it comes to gaining some real insight as to what your true intentions are, I talked about that. The most important date you left out here was the date on your secret cabinet document: August 29, 2000. It's marked "Confidential," and I talked about it before in this Legislature. It says in this, and this is absolutely breathtaking, that you are firmly committed to use "existing mandatory requirements and enforcement." You're not talking about a new law with new teeth; you're talking about going ahead with the existing law, which is grossly inadequate.

You also say in this secret document that you are going to commit to strengthen penalties for unlawful use of disabled parking permits and spaces. I can tell you that kindled a great deal of warmth in the disabled community right across this province.

Premier, will you admit it now? Five and a half years ago you never had any real intention of helping out our disabled community, and to this very day you still have no intention whatsoever of coming to the assistance of our disabled community in making sure they find opportunity here in Ontario.

Hon Mr Harris: Au contraire. In fact we did introduce an Ontarians with Disabilities Act in the last session. It was the first of its kind in Canada. You wouldn't introduce the act; the NDP wouldn't introduce the act. I know you say it wasn't as strong as you'd like it, but it was more than you had done and more than the NDP had done.

In addition to that, a number had said we should go back to the drawing board and consult, which we have agreed to do, and we are on schedule with that process. In addition to that, in spite of the fact that we inherited an \$11-billion deficit, since 1995 we have introduced some \$800 million in new spending to the benefit of the disabled community. I can give you a few: \$60 million in community living opportunities; in 1997 we announced

\$15 million more in additional funds to support adults and children with developmental disabilities in the community; another \$3 million in 1998; in 1999, another \$35 million more in support services to help persons with developmental disabilities live in the community; in 1999 another \$2 million partnership—

The Speaker: Order. The Premier's time is up. Final supplementary.

Mr McGuinty: Premier, the jig is up. You have been found out. You have done nothing of substance during the last five and a half years. You're in your sixth year of government. Back in May 1995 you said you were going to introduce a real Ontarians with Disabilities Act, something that was going to be strong, something that had real teeth, something that would require that we have some real movement in Ontario to make sure that Ontarians with disabilities get a seat at the table of opportunity, and during the course of the past five and a half years you, Premier, have done nothing.

The question I have for you, on behalf of the one and a half million Ontarians with disabilities—and I'm talking about our brothers and our sisters, our sons and our daughters, our mothers and our fathers, all people who want to contribute, all people who have the right to achieve their potential—is, why do you continue to fail them?

Hon Mr Harris: I'm sorry the Liberal leader doesn't think \$800 million is a substantial amount of money, but we, with the massive deficit we inherited, think it is. If I could perhaps continue with some of the list, in 1997 in the Ministry of Health, another \$25 million over five years to match funds raised by the Ontario Neurotrauma Foundation; another \$20 million in 1996; \$23.5 million of new money in 1996; \$8.4 million of new money in 1995. So not only have we committed, unlike the Liberals when they were in power and unlike the NDP when they were in power, to bring in the first Ontarians with Disabilities Act in Canada—not only are we committed to that, not only are we consulting to do that—but even without the act, we have now announced over \$800 million in brand new spending to the benefit of those with disabilities in Ontario. We're very proud of that record.

MEMBERS' COMPENSATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. You're quoted in the press today as saying you're prepared to push through an outrageous 42% increase in pay for MPPs. For you that would mean a salary of \$200,000. It also means you're the Boss Hogg of all the Conservatives who want to feed at the public trough. Premier, at the same time that you've frozen the minimum wage for six years, that you've frozen the income of people who receive social assistance for five years, that you're saying to nurses and child care workers and teachers that they ought to accept 2% or less, how do you justify a 42% increase for yourself and the rest of your Conservative colleagues?

Hon Michael D. Harris (Premier): (inaudible)

The Speaker (Hon Gary Carr): Supplementary?

Mr Hampton: Well, Premier, you must be changing your tune, in which case I guess we want to know who speaks for your government: you, as Boss Hogg in this case, or Deputy Sterling?

Premier, yesterday Mr Sterling tried to justify these increases by saying that members of the public service have received a 100% pay increase. But we did some checking, and if we go back to 1980, the 20 years he refers to, MPPs were being paid \$24,500 taxable plus an \$8,000 tax-free allowance. Under your government, MPPs are now paid \$78,000. That's already an increase greater than 100%, so even your attempt to justify it that way doesn't work. The question is, how do you justify this proposed outrageous increase when you're limiting everyone else in the province who has a much lower income? How do you justify that?

Hon Mr Harris: I think the leader of the New Democratic Party is aware that what I have supported since I've been the leader of my party is no pay increases for 10 years, because with the books not balanced I thought that was reasonable. In addition I supported 10% pay cuts, because again I felt we were asking others to cut back in those times to help us fix the mess you left us. I have also voted to do away with and scrap the pension plan, so it's an RRSP, as you've already heard. For me personally that meant a cut in my pension of more than 100%.

In addition, I think you are aware that we did away with the tax-free allowance, something I would encourage all politicians to do. In addition I supported legislation, as you did, that would say we ought not to set our own salaries.

The Speaker: Order. The Premier's time is up.

Interjections.

The Speaker: Order. Final supplementary?

1410

Mr Hampton: Premier, last spring you were proposing a 32% increase; last week you were drafting legislation for a 42% increase. You can talk about pensions. I think everyone knows you took a \$1-million lump sum out of the pension fund that you can now invest at 10%, 15% or 20%, whatever you want. So you haven't made any sacrifices, and don't try to confuse people.

The real issue is this: don't you think that if you're going to limit the teachers, the child care workers, the nurses and the hospital workers to 2% or less, don't you think if you're going to freeze the minimum wage, that MPPs ought to be held to the same rules: 2% or less? Don't you think that's the only fair way to go about this?

Hon Mr Harris: I don't know what all the babbling and what the member is talking about have to do with reality. The reality is, I've shared with you my record since becoming leader of this party, and it's been a wage freeze and in fact a 10% pay cut, honouring the commitments that we made in the Common Sense Revolution to do away with those hidden perks that were there.

I do know your record. Your record was to phone me after the election and beg for a 40% salary increase by making you leader of a party that you were no longer entitled to. Your record was that your House leader should get a 25% pay increase by being a House leader of a party that wasn't recognized. Your record is that your whip should get about a 25% increase. Your record was that your caucus chair should get this 25% increase. Your record is that the Deputy Chair of the committee of the whole should get this 25%—

The Speaker: Order. The Premier's time is up.
New question.

DOMESTIC VIOLENCE LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): My next question is for the Premier also. I would say to the Premier, you're sounding pretty desperate these days.

Premier, I want to know why you are handcuffing judges and preventing them from seizing firearms from abusers. In the much-boasted-about legislation you've presented, which you call An Act to better protect victims of domestic violence, a convicted abuser could have a veritable arsenal of firearms, but unless he has specifically threatened to use one of those guns to kill the woman victim, under your legislation the judge can't order the firearm seized when the judge is issuing a restraining order. This is just another example of your usual approach to protecting the victims of domestic violence: lots of talk and no action.

Will you guarantee here today that you will change your legislation to give judges the discretion they need to do everything they can to protect women who are the victims of domestic violence? Will you amend the legislation to give them the discretion to seize firearms in those circumstances?

Hon Michael D. Harris (Premier): I think the Attorney General can respond.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): In response to the member opposite, the Domestic Violence Protection Act, which is in committee now going through clause-by-clause, as the member probably knows, brings forward the recommendations and is based on the recommendations of the Joint Committee on Domestic Violence and on the coroner's jury report arising out of the May-Iles inquest. Those inquest results and the report both made far-reaching recommendations with respect to the content that legislation ought to have in addressing domestic violence, and indeed this bill, I think it's fair to say, has been reflected on positively by those persons who performed those studies, particularly the Joint Committee on Domestic Violence.

Mr Hampton: I can't believe what the Attorney General just said. You must know that under the provisions of the Criminal Code, where someone is being tried and convicted of assault, the judges have the discretion to order that firearms be surrendered. You said when you introduced this act that it was going to in fact go further

and make improvements in terms of protecting women who have been the victims of domestic violence, but in fact what you're doing here is you're going to take away the kind of discretion that judges ought to have. You're going to say that judges don't have the discretion to order the surrender of those firearms. This isn't going to protect women; this means you're going to put women back in the situation where someone who has already abused them has easy access to a firearm.

You should know that of the 43 women who have been killed since the May-Iles inquest, over half of them were killed with a firearm. Are you going to do the right thing? Are you going to give the judges the discretion they need here to protect women, or are you on the side of the gun lobby again, Minister?

Hon Mr Flaherty: I'm on the side of people who actually read bills that are before the House. The provision with respect to intervention orders in subsection 3(2), paragraph 7, provides that the judge may make an order requiring a peace officer to seize "any weapons where the weapons have been used or have been threatened to be used to commit domestic violence."

Interjection.

The Speaker (Hon Gary Carr): Member for Beaches-East York, come to order please. New question?

Mr Michael Bryant (St Paul's): Attorney General, I also am in favour of reading the bill. The Liberal amendment was tabled on November 9. It's very straightforward. It goes further than the provision that you just described. The problem with the provision you just described is we have to hope that the abuser is a bad shot before the judge has the discretion to intervene. The Liberal amendment introduced on November 9, debated—and your parliamentary assessment said that he did not support it yesterday—simply gives discretion to the judges to intervene and seize those weapons without all the caveats that you've just added. It's not too late, though. It hasn't gone to a vote. A very straightforward question: yes or no, will you support the Liberal amendment currently before the justice committee that will give judges the full discretion that is needed to protect victims of domestic violence?

Hon Mr Flaherty: The bill itself, as the member knows, deals with domestic violence, a very specific subject matter. The bill itself, as I mentioned, permits the judge making the intervention order to require a peace officer to seize any weapons where the weapons have been used or have been threatened to be used to commit domestic violence.

Not only that, the bill goes beyond that and authorizes the judge to authorize a police officer not only to seize the weapons, but to seize any documents that authorize the respondent to own, possess or control a weapon described in the previous subparagraph. So this bill not only authorizes the judge to order that weapons be seized, but—

Interjections.

The Speaker: Order. The Attorney General, take a seat. Order. I'm not going to allow people to be shouted

down in here when they are trying to answer a question. If it gets to that, then I'm going to name you and throw you out, simple as that. Sorry, Attorney General, I think you had about 10 seconds left.

Hon Mr Flaherty: As I was saying, the bill goes further than the member describes. Not only may the judge order that the police officer may seize the weapons that have been used or even threatened to be used in a situation involving domestic violence, but also the police officer would be authorized, if the judge saw fit to do so, to seize the documents that permit the individual to possess those—

The Speaker: The Attorney General's time is up.

Mr Bryant: This is an absurd position to take. You have the opportunity, and I would urge you to take it, to in fact give judges the full tools they need. You should have heard the parliamentary assistant's argument. He said that it went too far. Do you know what he said? He said that this would be a problem—the Liberal amendment—in rural areas. Let me tell you that domestic violence is just as culpable and just as wrong in rural areas as it is in urban areas.

I'll tell you something else he said. The parliamentary assistant said, "How far will you go?" Dalton McGuinty and the Ontario Liberals are going to go as far as we possibly can. We will go to the wall for victims of domestic violence.

Minister, yet again, the people of Ontario, Ontario Liberals, are on the side of victims of domestic violence. Tell us why, yet again, is your government on the side of the gun lobby?

Hon Mr Flaherty: As I said earlier, the bill is a domestic violence bill. It is based on the recommendations of the Joint Committee on Domestic Violence. It is a targeted bill. It is specifically addressed to the public security issue, the issue that the province of Ontario has in the security of families and of persons who are subject to domestic violence.

For that reason, the bill specifically authorizes a judge to authorize a police officer to seize weapons that have been used or threatened to be used in those circumstances of domestic violence. And more than that, it goes on and provides that the judge may authorize the police officer to seize documents. These are the specific issues that are addressed in the bill, which in turn is addressed to the specific issue of domestic violence.

1420

EDUCATION LABOUR DISPUTE

Mr Brad Clark (Stoney Creek): My question is for the Minister of Education. It concerns the ongoing lockout of the teachers in the Hamilton district school board. We learned yesterday from the member for Hamilton East that the Liberal Party is on the side of the teachers' union, and that this government is on the side of parents and kids. The Liberals have accused this government of not providing enough funding to the Hamilton district school board, saying that this has resulted in the

salary dispute between the board and the teachers' union that is keeping our kids out of school.

However, in today's *Hamilton Spectator*, teachers' union president Kelly Hayes is quoted as stating that the board actually does have enough money to fund a salary increase for teachers without the loss of teaching positions. Minister, who's got it right, the Liberals or the president of the teachers' union?

Hon Janet Ecker (Minister of Education): This government, very much like the parents, wants to see students back in the classroom getting the education they deserve. We've provided school boards across Ontario with funds to ensure they can reach responsible agreements. There are some 60 boards' bargaining units that have either agreements or tentative agreements. They are indeed resolving these issues. They've reached agreements with their teachers and are continuing to negotiate with their unions.

The Hamilton-Wentworth school board, I think it is important to note as the honourable member has said, is projected to receive over \$363 million more. That's an almost 6% increase over last year. It is also important to note that enrolment hasn't even grown by 1%. That increase is much beyond enrolment. They have monies available for a fair settlement, as other boards do. We encourage them to reach that.

Mr Clark: Over the weekend and all through this week now I've been fielding dozens of phone calls from parents throughout Hamilton-Wentworth. The message coming from the vast majority of parents is simple: "We want our kids back in school."

We learned yesterday from the member for Hamilton East that the Liberal Party is siding with the teachers' union in their negotiations with the Hamilton-Wentworth District School Board. I find this political posturing totally unacceptable. I refuse to abdicate my responsibility to the parents who strongly support back-to-work legislation to get our kids back in school. Can you tell us if the government is prepared to introduce legislation if the parties cannot reach an agreement.

Hon Mrs Ecker: I certainly continue to hope, as we do in many of these areas, that the board and the union come to a locally negotiated solution, a fair and collective agreement for the teachers in this board, but we agree with the parents who are saying they want their children in school. I want these kids back in school. That's where they should be.

It is not acceptable that this labour dispute has gone on for as long as it has. If a solution is not reached between the parties, we are certainly prepared to move forward with back-to-work legislation to get our students back in class, because the parents have been very clear about what they want. We are looking at that issue to see what can be done to make sure those students are in class. They have, we believe, the financial resources for a fair collective agreement. We are not asking any more of this board and this union than boards and unions across the province—

Interjections.

The Speaker (Hon Gary Carr): Member from Hamilton East, come to order, please. It's annoying when you're shouting across when they're trying to answer. I don't mind one little bit, but you've just continued shouting for the whole question.

Minister of Education.

Hon Mrs Ecker: I look forward to meeting with the parents from this community. Mr Clark is making arrangements for that, and I look forward to hearing their concerns, as well, as we consider how we can help support this board and union in coming to a fair agreement.

Mr Clark: On a point of order, Mr Speaker: When you were stating that the member for Hamilton East was annoying, he stated, sir, that it's annoying when we're lying—

The Speaker: I didn't hear things. Quite frankly, with the chatter that's going on here it's impossible—

Interjections.

The Speaker: Order. I didn't hear it. If any member has said anything like that, they can get up. I will say this: with the bickering that's going back and forth, it's impossible sometimes to even hear the person speaking, let alone the comments going on. New question.

Mr Gerard Kennedy (Parkdale-High Park): On a point of order, Mr Speaker: I'd like to seek unanimous consent for the member from Stoney Creek and the member from Hamilton East to have five minutes to debate the \$1,100-per-student cut—

The Speaker: Is there unanimous consent? I heard some noes. New question.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Ernie Parsons (Prince Edward-Hastings): My question today is to the Premier. About a month ago, my leader, Dalton McGuinty, revealed—

Interjection.

The Speaker (Hon Gary Carr): This is the last warning for the member for Hamilton East. Two seconds after I sit down, you're yelling across. Last warning. You yell out again, you're out for the day.

Mr Parsons: About a month ago, my leader, Dalton McGuinty, revealed to this Legislature a secret cabinet document detailing what your government proposed to do for an Ontarians with Disabilities Act. Though it's called an action plan, it's probably more appropriately called an inaction plan.

On October 25, you wrote to the Ontarians with Disabilities Act Committee and indicated you were very pleased with the strategy being employed by your government. I think "strategy" is a key word. It's not a plan, it's not beneficial; it's a strategy to sneak it into place. Then on November 1, you wrote and indicated how pleased you are with the minister's consultation that's taking place with the groups.

Premier, your minister refuses to hold any public consultations in this province for people with disabilities. Today in committee room 2, from 3 o'clock to 5 o'clock,

there are over 75 Ontarians with disabilities here. I am inviting you to walk with me—take 10 minutes. I appreciate your voice is giving you a problem today. This would be a great opportunity to listen to Ontarians with disabilities. Ten minutes is all I ask. They've gone to great efforts to get here. Please join with me and listen to them today.

The Speaker: Premier?

Interjections.

Hon Michael D. Harris (Premier): Thank you, Mr Speaker.

The Speaker: Supplementary?

Mr Parsons: Speaker, was that a clear yes? I was unable to hear because of the shouting from the far side.

Interjections.

The Speaker: I'm not going to get into interpreting, unfortunately. You can ask your supplementary. He may confirm it in the supplementary.

Mr Parsons: I do struggle with the lack of support to this point, so I think it's great that you're willing to come and listen. I'm also quite convinced that you have a tight timeline on when you will pass an Ontarians with Disabilities Act, so that it is more than just the 10 minutes today. I would ask you, Premier, what is the date that you plan to introduce a meaningful Ontarians with Disabilities Act?

Hon Mr Harris: I thank the member for his invitation, and I appreciate the offer. I think the minister, as you know, met with the Ontarians with Disabilities Act Committee on September 8. She spoke with representatives on November 23, 1999. She met with them again on September 28, 1999. Minister Johns had a conversation with Mr Lepofsky on July 27, 1999, and the parliamentary assistant, on very short notice, offered to meet with the Ontarians with disabilities on their visit to the Legislature today, but I am told that meeting was refused by those representatives of whom you speak.

The timeline, as I understand it, is once the consultations are over and once we have reviewed all of the information—I would assume you wouldn't expect a bill today since a number of representatives are still meeting with you to try and give you advice—as they've given to the minister and when that exhaustive consultation process is complete, we'll meet the timeline that we committed to for 2001.

SEX OFFENDERS

Mr David Young (Willowdale): My question is for the Minister of Correctional Services. The federal Liberal government has been making accusations over the past short while to suggest that this province does not have adequate treatment programs available for sex offenders. The people of my community, the people of Toronto, the people of this province, want to be assured that when a sex offender is convicted, they get proper treatment to overcome their problems.

I ask the minister to assure this House that when someone is convicted of a sex offence, Ontario does in

fact have treatment programs available for these offenders.

1430

Hon Rob Sampson (Minister of Correctional Services): I want to assure the House and the people watching today that we in the province of Ontario do indeed have programs to deal with those who are sentenced to our institutions, and specifically those who have sex offences as part of their record.

Within our provincial institutions, we have experts who will make the initial assessment as to what the needs are of the individual inmates. Then we have the experts in various programs who will help administer the appropriate program to help those individuals within that correctional institution to deal with the challenges they have.

In a couple of locations in the province, we have institutions that are specifically designed to deal with sex offenders. In fact, we recognized the need to expand those programs last May, when we introduced a plan to not only continue those programs but to build additional capacity for those programs in Brockville, Ontario, in a special treatment complex which would be a unique complex and the only one I've seen in North America.

Mr Young: I thank the minister for his assurances. It certainly is good to hear that we do have those programs in place.

However, the suggestions emanating from Ottawa go one step further. The suggestion that I most recently heard is that there is insufficient room within the institutions that exist today and that are being planned for the future to accommodate the specialized needs of these individuals, individuals who have been convicted of very serious crimes.

Can you assure me, Minister, can you assure the people of Willowdale, can you assure the people of this province that there is in fact room within these facilities this day, and that room is being contemplated for a future day, so that these individuals receive the treatment that is necessary?

Hon Mr Sampson: Bed capacity has been a challenge in the province as a result of the lack of investment by the previous two governments in corrections. We have been struggling with that and making significant investments in corrections, spending almost a half-billion dollars.

But I can say to the honourable member today, as it relates to the programs specifically focusing on sex-related offenders, we have six beds available in the Ontario Correctional Institute today, seven in Guelph and two in Millbrook. That capacity exists today to deal with offenders who may be sentenced and for whom the assessment determines that those particular programs would be of value to them.

I hear the members opposite complaining about this, but we believe investing in corrections is the right thing to do. It's just too bad that you didn't have that foresight when you were in government.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Today my colleague Marilyn Hurley presented a motion in Braille to symbolize the immediate need for an Ontarians with Disabilities Act. Our Braille motion symbolizes the many barriers that people living with disabilities face under your government. Even the simplest of services aren't available to them, yet you continue to deny them a strong and meaningful Ontarians with Disabilities Act. They can't get into movie theatres, they can't reach pay telephones, and they face barriers to employment, yet you continue to delay and to stall bringing in an Ontarians with Disabilities Act.

Premier, why do you continue to discriminate against Ontarians with disabilities?

Hon Michael D. Harris (Premier): As I indicated, while we have been consulting with all parties, we have introduced some \$800 million more in supports for those with disabilities than your government had.

I'm really quite surprised at you bringing this issue up. You were part of a government that had an MPP, Gary Malkowski—because Gary couldn't get you and your government to move, he introduced his own private member's bill, the Ontarians with Disabilities Act. The record of you and your cabinet and your government was, you wouldn't even call it for second reading. It's a disgraceful record.

Mr Hampton: You're good at telling half the story. We brought in legislation which would have removed many of the barriers for disabled people in terms of employment, and that was one of the first pieces of legislation you threw out. So tell all the story, not just half of it.

Premier, we understand that your intention now is to make such an act voluntary so that your corporate friends wouldn't have to comply, that they could comply if they wish. In other words, you would further sanction the kind of discrimination now that has happened for six years under your government.

Premier, there are hundreds of activists here today from the disabled community. They are asking and we are asking after almost six years, six years after you made the promise, when are you going to bring in an Ontarians with Disabilities Act that has some teeth in it, that has some strength in it, so that you will stop discriminating against disabled people in Ontario?

Hon Mr Harris: I think you would know it's illegal to discriminate against disabled people in Ontario, thanks to the Human Rights Code provisions. I think you quite understand that.

I had indicated to you that we are consulting, and to members of all three parties who have a great interest in this area, but we did not scrap your Ontarians with Disabilities Act because you refused to pass it. You refused to support your own member. You used your majority to bury this kind of legislation, which is why we

committed that we would consult extensively and bring forward a bill.

We did scrap a number of your silly ideas: your labour legislation that killed jobs and put union members out of work, the kind of legislation that discriminated against, and was proven discriminatory on, quotas. We eliminated some of the legislation. That's how we turned this province around.

WASTE MANAGEMENT

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My question is for the Minister of the Environment. In 1995, your leader made this promise to the people of Ontario. He said, "Please be assured that no municipality will be forced against its will by a Harris government to accept another municipality's waste." On September 26 this year the Premier again stated, "We are in fact a party that insisted, when finding a solution to Toronto's garbage, that any site be a willing host." In a letter to the mayor of the town of Napanee, you have indicated that you are responsible for making the final decision about the proposal by Canadian Waste Services to expand a dump that's slated for closure. You indicated that in making a final decision, you will consider whether or not the proponent has met the requirements of the environmental assessment. However, at no time have you indicated that your approval is contingent upon the town being a willing host.

Minister, please indicate yes or no: will you approve this landfill expansion if the community is not a willing host?

Hon Dan Newman (Minister of the Environment): Indeed, waste management is a growing global problem. In fact, we gave municipalities the freedom to determine their own long-term waste management strategies, and we support the town of Napanee as they determine their long-term waste management strategy in their community.

Let me be very clear today that our main role in this project is protecting the environment.

I understand that the proponent is looking for approvals for expansion of the Richmond landfill under the Environmental Assessment Act as well as under the Environmental Protection Act. Our government approved the proponent's proposed terms of reference after a thorough and technical review of their components. During the preparation of the terms of reference the town of Greater Napanee identified a number of concerns, including the need for and lack of consideration of other alternative sites and alternatives for landfilling, concerns regarding the existing landfill site as well as the potential for impacts to groundwater, wells, and surface water from the leachate.

1440

Mrs Dombrowsky: Minister, you continue to be very unclear. I asked for a simple yes-or-no answer. If the municipality very clearly indicates that it is not a willing host for this landfill expansion, will you approve the expansion?

This is not only my concern. A letter I have received from Chief Maracle of the Mohawks of the Bay of Quinte, because of their serious concern on this particular issue, has indicated, "Obviously Mr Newman's letter," to the town of Greater Napanee "is contrary to Premier Mike Harris's signed political statement. It is reasonable for the people of Ontario to expect that they could rely on the political statement of the head of the government." I agree with the chief that your statements on this issue are very unclear and in some cases contrary to what your Premier has said.

Very simply, I ask you again, yes or no, will you approve the Richmond landfill if the town of Napanee is not a willing host?

Hon Mr Newman: Let me be very clear: whatever decision is made, our main role is protecting the environment. That is the role and responsibility of the Ministry of the Environment, in addition to the need for consultation with the town prior to defining final study areas, assessment criteria and the environmental impact of the landfill expansion. But the proponent obviously has to address these issues through the preparation of the environmental assessment. I understand that the proponent is now proceeding to prepare the environmental assessment in accordance with the approved terms of reference.

MANDATORY DRUG TESTING

Mr R. Gary Stewart (Peterborough): My question is to the Minister of Community and Social Services. I understand the Ontario Drug Awareness Partnership has announced that this is Drug Awareness Week 2000 and that over 150 drug awareness committees across the province have committed to making a difference in their communities.

Yesterday you made an announcement about mandatory drug treatment. I know that the Ontario human rights commissioner has written to you to express his concern with any such policy. This will be the first mandatory drug treatment program in Ontario, and I am confident it will be carefully scrutinized by this government's critics. I see in the National Post this morning that the Canadian Civil Liberties Association is considering a court challenge.

Minister, how are you going to try to ensure that your policy isn't too overreaching and that it doesn't get shot down in court on day one?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): This government is tremendously concerned about the plight of those in our community who are down on their luck, out of work and who, in a state of desperation and despair, have turned to illegal drugs. Our bottom line is that we want to help people get back on their feet and into a paid job. Some would say that we should simply do nothing, that we should sit back year after year and watch people use their welfare cheque to feed their drug habit instead of feeding their children.

The member is correct that the human rights commissioner has expressed some concerns with this policy, although he has not seen this particular plan, because we are consulting. I have certainly indicated to him in a phone call this week that we are not only enthusiastic but willing and eager to get his advice and the advice of his staff.

Interjections.

Hon Mr Baird: The Liberal Party opposite is complaining. The Liberal Party's policy on welfare reform was written by an insurance adjuster. You just want to write people off. Well, this party—

The Speaker (Hon Gary Carr): Order. The minister's time is up.

Mr Stewart: The concerns of the legal community are certainly one thing, but your critics say the larger concern is that you're beating up on the poor. It was described by one critic this morning in the press as a "urinary witch hunt." Clearly there is a balance needed between a firm hand and a fair hand. Any policy you draft must be able to achieve that balance. We are already hearing complaints across the country condemning your plans as mean-spirited.

Minister, how is it that you believe this policy is going to be fair to some of the most vulnerable people in the province?

Hon Mr Baird: I suppose it would be easy to follow the example of previous governments and to sit back and do nothing. I don't know what I would tell the case-worker who told me that she has seen one of the people she serves month after month, year after year, come into her office with track marks up and down her arm, and she is powerless to intervene and to force some help and support.

It would be easy for us, for this government, to declare a victory, to say the caseload's down by 50% and just simply move on. But this government isn't prepared to write anyone off.

There was a good editorial in the Welland Tribune, which said, "As far as we're concerned, there is absolutely nothing wrong with mandatory drug testing on those collecting social assistance. Those who have a drug problem and are unwilling to deal with that problem should not be receiving tax dollars with which to buy those drugs. Plain and simple."

ONTARIO WHOLE FARM RELIEF

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Premier. I want to draw your attention to the whole farm relief program and the serious inaccuracies within it. This is of great concern to Ontario farmers and it should be to you.

In yesterday's Ontario Farmer, your agriculture minister was quoted as saying that no information has changed since March 2000 and that it's available to everybody. Well, Premier, there have been plenty of changes, and not one of them has been communicated to the general farm community: changes in calculations

from previous NISA years, reassessments for 1998, adjustments for 1999. These were never made available in the minister's information package. The 1999 guidelines does not appear until July 2000.

Premier, the farmers of Ontario need leadership. Will you today order the minister to reopen both the 1998 and the 1999 programs? Will you mail out complete information packages detailing the rules and all the options to all 60,000 farmers in this province so that everyone who's entitled to disaster assistance can receive it?

Hon Michael D. Harris (Premier): I think the Minister of Agriculture can respond.

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I want to say first of all that the whole farm relief program is indeed a very good program to help our farmers who have found themselves in dire straits not only in 1998 but in 1999.

I'm a little concerned with the member opposite, who is implying that being able to provide \$135 million to our farmers in Ontario is misplaced money. I really have a problem with that.

There was a change made by the federal government in July that changed the way the inventory calculation for the federal portion of the program was to be administered, and that indeed was sent out to all the people who had an application before the ministry, and it was sent out to all the agents who were running the program on behalf of those farmers.

Mr Peters: Every farmer in this province, Mr Minister, deserves equal access to all programs. But let's look at another massive change that's taken place since March 2000: inventory enhancement information is not available until it appears on the Web site of June 2000. If you look at your own government Web site today, the information is wrong. A program information bulletin issued in July 2000, and guess what? There are only seven commodities listed for revised calculations. That excludes 70 other commodities on the federal list—no livestock, no tobacco, no ginseng, no fruits, no vegetables—and these come out four days before the deadline.

It's become painfully clear that this disaster program is a disaster in and of itself. This minister and this ministry have been continually warned since January 1999, and they have bungled this program and they continually blame others for their own ineptitude.

Minister, will you do the right thing: admit to this House that your ministry's management of this program is completely out of control? On behalf of the farmers, will you reopen the 1998-99 programs? Will you mail complete packages with all the rules, all the options, to all the farmers in this province?

Hon Mr Hardeman: The numbers and the things that the member opposite is referring to are in fact an updating of the StatsCan numbers between one period of time and another. As the member opposite will know, commodity prices change from time to time and there were in fact some commodity price changes in that time, and there were different numbers. That information was

communicated to all the people who were involved with the farm program. But to make sure that no farmers in Ontario are deprived of their entitlement, we will be looking at any application that goes beyond the time as it relates to that change, the change in the inventory price. If they've put forward an application that requires more payment for that, we will be very much prepared to look at those.

I think it's very important that we provide this assistance to our farmers as quickly and expeditiously as possible, because they are in need, so they're not waiting a year or two years down the road to get their payments.

1450

FLU AND PNEUMOCOCCAL IMMUNIZATION

Mr John Hastings (Etobicoke North): My question is directed to the Minister of Health and Long-Term Care and it involves the flu outbreak. As you know, we put about \$725 million into improving the emergency situations in our hospitals, but I have to tell you, Minister, you'll be very interested in this little account. I met on the Remembrance Day weekend with the Grit Minister of Health, and he was saying that it's our fault for the hospital lineups, even though he had taken advantage of our flu shot.

I'd like to ask you, Minister, what you think of his comment when he said the hospital lineups are our problem, not theirs, and what do you think of his taking advantage of our flu shot before high-risk professionals in the health care field got an opportunity to take one? He is not a health care provider.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member from Etobicoke North knows full well, our government has made a very strong commitment to ensuring that our hospitals have strong, sustainable funding. We are now providing \$8.2 billion to our hospitals.

I'm also very pleased to say that our province is the first and only jurisdiction in North America that is making available, free to everyone in the province, a flu shot this year. We have allocated \$38 million. As you know, we started the vaccinations on October 1 for the high-risk groups and the health providers. On November 1, we started to make the flu shot available to the general population. I'm pleased to say I got my flu shot on Friday morning at 9 o'clock. Everyone here, I would encourage you to go to your doctor's office—

The Speaker (Hon Gary Carr): Supplementary.

Mr Hastings: It's very instructive that all you have to do is walk in the hallways of the Legislature here and you can see the pluses in terms of people getting their flu shot. But I have to ask you, Minister, what do you think about a Grit health minister taking advantage of this lineup? Since the feds want to be the great standard bearers of medicare in this country, why don't they help us financially with the flu program that we have in this province and help the other provinces as well? Again, they failed.

Hon Mrs Witmer: To the member from Etobicoke North, again I would simply stress we have enough flu vaccine for everyone in the province. Our initial order was for 7.9 million doses of vaccination. We had an opportunity to confirm the number we were looking for in July 2000, as did every other province and territory in Canada. I would just encourage everyone here to get the flu shot. I would encourage you to make sure your family and your friends do, because not only are you protecting yourself, but you're protecting older people who may be more vulnerable and people who have chronic care conditions. Since it's free this year, please, get your flu shot.

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mrs Lyn McLeod (Thunder Bay-Atikokan): Once again I have a petition to the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

This is signed by a number of constituents who continue to be concerned at the lack of action on this crucial issue. I affix my signature in full agreement with their concerns.

EDUCATION LABOUR DISPUTE

Mr David Christopherson (Hamilton West): A petition to the Legislative Assembly of Ontario:

"Whereas 40,000 elementary students are not in the classroom as a result of a lockout by the Hamilton-Wentworth school board; and

"Whereas the teachers are entitled to a fair collective agreement, and the trustees have a responsibility to ensure that the classrooms and the programs being provided meet the needs of our children; and

"Whereas the chair of the committee that is doing the negotiating said, in a letter addressed to the Minister of Education, Janet Ecker, 'My frustration is because of the inability of the bargaining process to occur within the limits of a funding formula that is restrictive in allowing flexibility in the process, a funding formula that continues to ignore the professional aid that is needed outside the classroom'; and

"Whereas he goes on to say, 'Your government's mandate appears to be one of the continuation of manufacturing a crisis in public education and the insulting abuse bestowed upon the dedicated deliverers of public education'; and

"Whereas parents want their kids back in school, teachers want the kids back in school and the board wants the kids back in school; and

"Whereas the problem is that there isn't enough money because the Harris government has cut funding to education; and

"Whereas the government caused this strike, and it has a responsibility to step in, resolve this situation and put our kids back in the classrooms;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows: the Harris government has caused this strike by its relentless attacks on funding of public education, therefore the Harris government has an obligation to immediately restore adequate education funding to allow a fair collective agreement for teachers without cutting crucial supports and programs to students."

I proudly add my name to those of these petitioners.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): I've got to first recognize Mr Boyd from Bowmanville for doing all the work to gather these petitions. He was at a recent event—

The Acting Speaker (Mr Bert Johnson): If you'd like to read it, that's fine, if you want to tell about it, fine, but you can't do both.

Mr O'Toole: I apologize.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage auto enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas MPP John R. O'Toole and former MPP John Parker have worked together tirelessly to recognize

the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull, our Minister of Transportation, has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act" to allow vintage auto enthusiasts to use year of manufacture plates.

I'm pleased, on behalf of my constituents and yours, Mr Deputy Speaker, to endorse this petition.

PENSION INDEXATION

Mr Tony Ruprecht (Davenport): This petition was given to me by many injured workers who are presently demonstrating in front of the Ministry of Labour's offices. It reads as follows:

"Whereas injured workers petitioned the Legislature of Ontario from 1974 to get full indexation of their benefits and pensions; and

"Whereas in 1985, all political parties in this Legislative Assembly of Ontario agreed to enact full annual indexation in the Workers' Compensation Act; and

"Whereas in 1998, Bill 99 restricted indexation of pensions and benefits under the Workplace Safety and Insurance Act; and

"Whereas the Canada pension plan is fully indexed annually;

"We, the undersigned, petition the Legislative Assembly of Ontario to restore full indexation on an annual basis to the Workplace Safety and Insurance Act of Ontario."

Since I am in full agreement with this petition, I'm delighted to sign it as well.

1500

PROTECTION OF MINORS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets; and

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit materials;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I'm pleased to attach my signature to this petition.

PHOTO RADAR

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas Mike Harris made the decision in 1995 to cancel the Ontario government's photo radar pilot project before it could be properly completed; and

"Whereas two Ontario coroners' juries in the last year, including the jury investigating traffic fatalities on Highway 401 between Windsor and London in September 1999, have called for the reintroduction of photo radar on that stretch of 'Carnage Alley,' and

"Whereas studies show that the use of photo radar in many jurisdictions, including British Columbia, Alberta, Australia, many European countries and several American states, does have a marked impact on preventing speeding and improving road and highway safety, from a 16% decrease in fatalities in BC, to a 49% decrease in fatalities in Victoria, Australia; and

"Whereas photo radar is supported by the RCMP, the Canadian Association of Chiefs of Police, several police departments, including many local Ontario Provincial Police constables, and many road safety groups;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to demand that the Ministry of Transportation reinstate photo radar on dangerous stretches of provincial and municipal highways and streets as identified by police. The top priority should be 'Carnage Alley,' the section of the 401 between Windsor and London, and all revenues from photo radar should be directed to putting more police on our roads and highways to combat aggressive driving."

It's signed by a number of residents from Mitchell, Ontario, and I sign my signature to it.

EMPLOYMENT STANDARDS

Mr David Christopherson (Hamilton West): I have a petition forwarded to me by UAW local 251 in Wallaceburg. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the proposed changes to the Employment Standards Act would take us back to the late 1800s standards; and

"Whereas most jurisdictions in the world are reducing the level of overtime required; and

"Whereas these changes would allow companies to force overtime up to 60 hours per week; and

"Whereas the proposed changes will allow companies the right to average overtime over three weeks to escape paying the appropriate level of overtime pay;

"Therefore, we, the undersigned, demand that the Ontario government implement the following improvements to the Employment Standards Act:

"Tough, proactive policing of standards.

"A living wage to ensure no one lives in poverty.

"Overtime pay after an eight-hour day, 40-hour week.

"Three weeks' vacation after five years of service.

"More paid holidays.

"Paid breaks. We need a guarantee of rest breaks in each half-shift;

"Above all, we're calling for the right of all non-union workers to vote to join a union."

I proudly add my name to these petitioners.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): Petitions keep coming in in support of this bill. This is Tom Luke from Newcastle.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original-year-of-manufacture licence plates; and

"Whereas Durham MPP John O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull, our Minister of Transportation, has the power to change the existing regulations;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act" to allow vintage auto enthusiasts to use year of manufacturing plates for registration purposes.

I, along with all the other members here, am pleased to sign and support this petition.

DIABETES TREATMENT

Ms Caroline Di Cocco (Sarnia-Lambton): To the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We are suggesting that all diabetes supplies as prescribed by an endocrinologist or medical doctor be covered under the Ontario health insurance plan.

"Diabetes cost to Canadian taxpayers is substantial. It is the leading cause of hospitalization in Canada. Some people with diabetes simply cannot afford the ongoing expense of managing diabetes. They cut corners to save money. They rip test strips in half, cut down on the number of times they test their blood and even reuse lancets and needles. These budget-saving measures can often have disastrous health care consequences.

"People affected by diabetes need and deserve financial assistance to cope with the escalating cost of managing diabetes. We think it is in all Ontario's and the government's best interest to support people affected by diabetes with the supplies that each individual needs to obtain the best glucose control possible. As you all know, good control reduces or eliminates kidney failure, blindness, nerve damage, cardiac disease and even amputa-

tions. Just think of how many dollars can be saved by the Ministry of Health if people affected by diabetes had a chance to gain optimum glucose control."

I affix my signature to this petition.

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): In addition to the thousands of petitions that I have already presented regarding cancer in the workplace, I have further petitions here today forwarded to me by Cathy Walker, the national health and safety director of the CAW Canada. It reads:

"To the Legislative Assembly of Ontario:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances known as carcinogens; and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer; and

"That the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

My NDP colleagues and I continue to support these petitioners.

PROTECTION OF MINORS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is my pleasure to present to you a petition to the Legislative Assembly of Ontario.

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit materials;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

Since I agree with this, I'll sign my name to it.

1510

ORDERS OF THE DAY

TOUGHEST ENVIRONMENTAL PENALTIES ACT, 2000

LOI DE 2000 SANCTIONNANT PAR LES PEINES LES PLUS SÉVÈRES DES INFRACTIONS DE NATURE ENVIRONNEMENTALE

Mr Newman moved third reading of the following bill:
Bill 124, An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in respect of penalties / Projet de loi 124, Loi modifiant la Loi sur la protection de l'environnement, la Loi sur les ressources en eau de l'Ontario et la Loi sur les pesticides en ce qui concerne des peines ayant trait à l'environnement.

Hon Dan Newman (Minister of the Environment): I welcome this opportunity to take part in third reading of the Toughest Environmental Penalties Act, 2000. I want to commend all members of the Legislative Assembly for their contributions to the debate so far. As most of you know, this is my first bill as a cabinet minister, and I couldn't be more proud of this bill because it is all about protecting the environment and making polluters pay.

I know that although we don't often agree on the means, we share common goals: a better-protected environment and healthier, more prosperous communities for all Ontarians. Everyone in this Legislature cares deeply about the environmental legacy we will leave our children and future generations. The Toughest Environmental Penalties Act, 2000, is an excellent piece of legislation that will help to ensure that the legacy is a proud one.

For the purposes of today's discussions, I'd like to discuss the Toughest Environmental Penalties Act, 2000, in the context of the Ontario government's overall record on the environment. Let me first say that it is a record I am proud to be part of. From our first days in office, the Mike Harris government has made it very clear that our focus on economic revitalization includes a recognition that a well-protected environment is one of the foundations of prosperity. After all, the environment is the ultimate infrastructure.

The converse is true as well. Prosperity is an important precondition for environmental improvement. We all know that there are many situations in the world where the economic situation is so difficult that little or no thought is given to protecting air, water and land. Here in Ontario we are fortunate because we have the resources to act. These resources include the environmental industry sector itself. It is a robust sector that is one of the

key drivers of the provincial economy. We have companies that are competitive and efficient in large part because they are able to gain the advantages that come with environmental responsibility.

In fact, tomorrow is Environment Industry Day here at Queen's Park. The Canadian Environment Industry Association will be here to meet with MPPs and officials. I would encourage the members to come and find out all they can about this very valuable sector of our economy.

I hasten to add that one of our most valuable resources is a population that cares deeply about the environment and about meeting environmental responsibilities. The vast majority of individuals and corporations is dedicated to obeying environmental laws and doing their part to protect air, water and land in our province.

The Ontario government is committed to working with its partners to build on this concern. We are committed to the best possible protection of Ontario's air, water and land. We have backed up this commitment with a strong record of action. I'd like to focus on some of the actions we've taken this year alone.

For example, there's the drinking water protection regulation, which is the cornerstone of Operation Clean Water. This new regulation took effect in August and applies to all municipal and large water systems, which are the source of drinking water for most Ontarians.

The regulation has the following requirements: regular and frequent sampling and testing of drinking water; stringent treatment requirements for all drinking water in our province; quarterly reports for consumers so they are kept up to date about the long-term quality of their water supplies; microbiological and chemical testing by accredited laboratories; clear requirements for immediate, person-to-person communication of reports of potentially unsafe water situations, not only to the Ministry of the Environment but to the local medical officer of health, as well as the waterworks owner—no voicemail, no answering machines, no fax machines, but live person-to-person communication.

The regulation also requires full public access to water quality information.

Water quality standards, as well as testing and reporting requirements, now have the force of law. This is a first for our province. The standards go beyond the previous objectives and introduce more health-related parameters that must be met.

Another first for Ontario is the amount of information people will have about the state of their drinking water. These requirements are among the toughest in the world.

We're also looking at how to best ensure the quality of water coming from our small waterworks in the province. A discussion paper has been circulated, and we need to determine whether regulation is the best way to go and, if so, what type of regulation would be most appropriate.

Operation Clean Water also involves the inspection of all municipal water treatment plants in the province. These inspections will be carried out every year from now on, beginning with this year.

Last week I had the pleasure of introducing a draft regulation. It would make Ontario the first jurisdiction in the world to require monitoring and reporting of a full suite of key greenhouse gases. This draft regulation would require major industrial sectors in the province to track emissions of 358 airborne pollutants, beginning January 1, 2001. This is an expansion of the existing regulation, which requires Ontario's electricity sector to not only monitor but to report on emissions of 28 substances. A range of other industrial, commercial and municipal facilities in Ontario would begin tracking those 358 emissions on January 1, 2002. We're holding discussions on this draft regulation.

Another recent accomplishment of the Ministry of the Environment is the passing of the toughest hazardous waste regulation in Ontario's history. The strengthening of our rules will ensure that all hazardous wastes—and that means both those generated domestically and those imported from outside the province—continue to be managed in an environmentally sound manner in this province.

Those changes take effect March 31, 2001. They will create new opportunities for Ontario industries to deal effectively with hazardous waste and provide incentives for the generators of these wastes to put in place reduction initiatives that will decrease the amount being created.

We are also requiring the use of the toxicity characteristic leaching procedure to determine whether wastes are hazardous. In fact, it's more advanced than the current procedure being used in Ontario. It will make our requirements tougher than those of the United States because we will be testing for more contaminants. We will test for 88 contaminants, while the United States procedure tests for only 40 contaminants.

The new regulation also introduces a new "derived from" rule stating that any listed hazardous waste will continue to be classified as such until it can be demonstrated that it is no longer hazardous.

We're also updating our schedule of hazardous wastes to include 129 new chemicals and industrial processes.

Clearly, the Ontario government is showing leadership in the management of hazardous wastes. As I said a moment ago, our new rules are the toughest in provincial history. They are consistent with the current rules set by the United States Environmental Protection Agency. These new rules will ensure the safe and effective handling of hazardous waste in our province, and they will ensure a better-protected environment for all Ontarians.

It goes without saying that the best programs, policies and laws in the world will not be effective without the will to back them up with tough enforcement. I am proud to say today that the Mike Harris government has the will.

All members will recall my announcement in September of Ontario's environmental SWAT team. Its first phase will have 65 members, and this is a significant first step in this new and exciting program. They will include highly trained inspectors and new investigators, as well as environmental program analysts, environmental engi-

eers, scientists and a laboratory technician. This team will be a new group of environmental officers with an innovative approach to identifying new and emerging problems, and it will have a greater ability to act quickly and effectively.

1520

The focus of the SWAT team will be cracking down on companies or individuals who deliberately or repeatedly break the law and jeopardize our health and our environment. This team will be very mobile. The SWAT field units will be equipped with state-of-the-art communications technology to draw on broader resources without leaving the field. Ministry district staff will continue to conduct inspections and respond to pollution reports.

The SWAT team will be able to focus on targeted sources, sectors or areas of concern, and it will be able to conduct inspections and follow up on them.

We realize the vast majority of companies and individuals are very conscientious in meeting environmental requirements. They should be encouraged by the creation of the SWAT team because it will provide for a level playing field. Environmental offenders will no longer benefit from their actions at the expense of law-abiding companies and citizens. We intend to have parts of the environmental SWAT team operational in late fall. The team will help the Ministry of the Environment achieve its mandate by effectively and visibly deterring deliberate and repeat polluters. As I have said before, I like to refer to the SWAT team as the soil, water and air team.

We're backing up the SWAT team with the toughest penalties in Canada for major environmental polluters. These penalties are contained in the bill that we're debating here today, Bill 124. If passed, this bill would increase the maximum fine for a first conviction of a major offence for a corporation from \$1 million to \$6 million per day, and for a subsequent conviction from \$2 million to \$10 million per day. The bill would also increase the maximum fine for a first conviction of a major offence for an individual from the current \$100,000 to \$4 million per day, and for subsequent convictions from \$200,000 to \$6 million per day.

The bill goes even beyond that, because what this bill would do, if passed, is increase the maximum jail term for a person convicted of a major environmental offence from two years to five years. The bill would also increase the cap on administrative monetary penalties from \$5,000 to \$10,000 per day.

These proposed penalties would apply to offences under the Environmental Protection Act, the Ontario Water Resources Act, and the Pesticides Act. In addition, the penalty structure in the Ontario Water Resources Act would be amended to ensure that these new, tough penalties apply to the most serious offences under the new drinking water protection regulation. Those offences would be failure to report samples that exceed standards as well as failure to use minimum levels of treatment.

There are several key requirements for strong environmental protection: tough standards, effective pro-

grams, effective policies, high-quality monitoring, high-quality reporting. We need to ensure compliance and we need to be able to conduct investigations and prosecutions when compliance is not forthcoming. We also need tough penalties to serve as a credible deterrent. If passed, the Toughest Environmental Penalties Act, 2000, will be more than a credible deterrent; it would be the law of this province. These penalties that I've just outlined constitute the highest fines and the longest jail sentences in Canada for major environmental offences.

I want to conclude my remarks today by talking about the effect of the Toughest Environmental Penalties Act, 2000, on two groups: those who obey the law and those who do not. Those individuals and companies who obey the law are the vast majority in Ontario. Let there be no mistake about this: we need to ensure that these groups stay in the vast majority. We need to send them the message that we appreciate their efforts and that we will not let them down. We are levelling the playing field lest anyone think they can take advantage of the good environmental players. It's a bit like the trend in the NHL today where the league is cracking down on clutching and grabbing and other ways that less talented players get ahead. Clearly, the most talented players in Ontario are the good environmental players, and we are ensuring that those players who don't play by the rules don't get ahead.

This brings me to the small, but not insignificant, group of individuals and companies who flout environmental laws for personal gain. These are the people—and we must remember that corporations are made up of people making decisions—who show callous disregard for the environment and for the health of other people. They believe their short-term gains outweigh any further losses for their community and for future generations.

The government has worked hard to stop these people. We need the Toughest Environmental Penalties Act, 2000, to make sure they know that pollution does not pay. We need to have the toughest fines and jail terms in Canada for major pollution offences, and that's exactly what the passing of Bill 124 would give us today.

We live in a province that is the envy of the world. We are prosperous, and that prosperity is built on a foundation of well-protected resources and clean, healthy communities. We must always be on guard to ensure that the actions of a few bad players do not compromise everything we have.

I know there are several people out there who support Bill 124, not only within the Legislative Assembly here but people across Ontario. The chair of the Canadian Environmental Industry Association, Skip Willis, says that "Bill 124 reinforces these market-based drivers by providing severe penalties for companies that fail to meet provincial standards. We are currently working with companies across Ontario to improve their environmental, and thereby their economic, performance. We applaud your ministry"—being the Ministry of the Environment—"for reinforcing these initiatives with clear penalties." That's what the chair of the Canadian Environmental Industry Association of Ontario has to say.

Finally, Speaker, if I may, through you, address my colleagues in the Liberal Party and the New Democratic Party, this is a good bill. In fact, it's a very good bill for protecting the environment. Strengthening environmental protection is something we all can agree upon and it's something I believe we can all support. I would like to thank the member from St Catharines, who knows firsthand how tough this job can be, and his colleagues for their support of this bill on second reading.

The Acting Speaker (Mr Bert Johnson): Further debate?

Mr James J. Bradley (St Catharines): I'm pleased to be able to address some concerns I have about the bill and to indicate support for parts of the bill as well. First of all, I can't think of anybody in this Legislature who would be opposed to toughening the penalties out there in terms of dealing with violations of various environmental acts in this province. I indicated my support on second reading. I indicate my support on third reading, despite the fact that I have some concerns that I wish had been overcome through the acceptance by the government of amendments from the opposition to this bill to make it, I think, even a better bill than the government would contend it is at this time.

Our great concern, of course, is that you can pass any bill you want, you can have the toughest penalties in the universe—or perhaps I'll reduce that to say in the galaxy—but it doesn't matter if you have no intention to enforce those laws. One of the first things that employees of the Ministry of the Environment were told when the new government got into power was, "You're to be business-friendly." Well, there are polluters who had to deal with the Ministry of the Environment employees before who were respectful and perhaps even fearful when they were in violation of the law who today walk around with smirks on their faces because they know that, first of all, there's not the staff in the Ministry of the Environment available to enforce the laws of the province, and second, they've been told to be business-friendly. They translate that into meaning, of course, that they're not to bother business. You couldn't find it in the Common Sense Revolution document, but this fits in with what many in the Conservative caucus said to polluting companies when they were campaigning, and that is, "We're going to get the Ministry of the Environment out of your face." I can tell you that is a promise made, a promise kept. They got the Ministry of the Environment out of the faces of polluting companies in this province.

They set up a Red Tape Commission in this province, headed by Mr Wood and Mr Frank Sheehan from St Catharines. Frank could never be accused of being a raving environmentalist. In fact, reading some of his comments about the environment, one wonders whether he would agree with this piece of legislation. But the Red Tape Commission was there to weaken the laws of the province, to take away regulations which were there to protect the environment and the people of this province. Even during the time when the regulations were being

formulated, the former co-chair of the Red Tape Commission was encouraging the Ministry of the Environment not to proceed with prosecutions because they were going to change the law. Quite obviously what the government is all about is weakening regulations and weakening legislation in years gone by, so that we have a very difficult circumstance facing the Ministry of the Environment and the people of this province.

1530

There were a couple of good articles that relate to this legislation. One is by Linda McCaffrey, who is at the law firm Lang Michener in Toronto. Linda McCaffrey was formerly a prosecutor with the Ministry of the Environment. I remember her exemplary work in years gone by, along with people like Dianne Saxe, who used to prosecute these cases. These people are not in the ministry any more.

Let me tell you what she said in an editorial in *Municipal World* in November this year: "In the short term, Walkerton means that Ontario's water treatment plants will get inspected. Where regulations and guidelines are not being adhered to, the Ministry of the Environment will issue field orders for compliance. It is possible that the ministry will get serious about developing regulations for effectively protecting groundwater resources. Some steps have been taken in relation to agribusiness, but it remains to be seen whether agribusiness will really be expected to comply with the new rules. So far, the ministry appears oblivious to industrial and development threats to groundwater supplies." I certainly would concur in those comments.

She goes on say, "Although all water treatment plants are to be inspected before the end of the year, this initiative has only been made possible by diverting industrial inspection staff to water treatment plants. Unless new resources are committed, reassigned staff will return to other duties once all the plants have been inspected. It is difficult to see how the existing complement of environmental officers assigned to inspect water treatment plants can do more than they have done in the past: an inspection every three years and no effective follow-up."

"In 1998, the government amended the Environmental Protection Act and the Ontario Water Resources Act to impose administrative penalties for less serious environmental offences. The rationale for such penalties was that prosecutions are too expensive and time-consuming. The opposition lauded this legislative initiative, and the bill passed quickly."

Here's where the problem enters, and this shows that there's no follow-up by this government: "Predictably, everybody forgot all about it. The ministry hasn't developed the regulations necessary to implement the legislation. Prosecutions are still too expensive, and administrative penalties are not a prospect."

She talks about the SWAT team: "If investigators are hired, what tools will they have to work with? SWAT teams have to take samples and have them analyzed in order to determine what pollutants are being released into the environment and in what quantity. They need experts

to advise them with respect to proper sampling procedures, handling and preservation. They need highly specialized scientists with highly specialized equipment to perform the analysis and report the results. At one time, the ministry had one of the best-equipped and -staffed laboratories in all of North America. Will current laboratory resources support a SWAT team?"

"The investigations branch cannot initiate an investigation. They must wait until the abatement branch forwards an occurrence report requesting an investigation. Will the SWAT team have the freedom to look for pollution or even to respond to complaints? Once a contamination has been characterized, evidence has to be developed to persuade a court that there has been an adverse environmental consequence."

"The ministry's air resources and water resources branches were once staffed with experts qualified to develop and give opinions with respect to the potential impact of the release of contaminants in the environment. Where are they now? Who will the SWAT team look to for this expertise? Is there a budget to hire private sector experts for this purpose?"

"Gord Miller, Ontario's Environmental Commissioner, made a speech at a reception at Lang Michener's offices in April. He said he sensed a groundswell of public unease with respect to environmental protection, and predicted that something would happen to focus this unease and force environmental protection back on the political agenda. Within weeks of this speech, people were ill and dying in Walkerton."

Then she goes on to talk about air quality problems: if there were problems that would arise with air quality, what would the result be? Another shell game, with water treatment plant inspectors reassigned temporarily to investigate air pollution?

"If the growing support for a flat tax of 17% continues to swell, the shell game will continue. Governments are supported by their tax base, and if the tax base continues to dwindle, government services must inevitably continue to contract." I'm going to say that again, particularly for those who might be tempted with the line the Alliance is giving right now. "Governments are supported by their tax base, and if the tax base continues to dwindle, government services must inevitably continue to contract." The ultimate responsibility for the Walkerton tragedy and other environmental tragedies presently waiting in the wings lies with the people of Ontario. They must choose between good government and less government. Until the legitimate and essential role of government in providing public services and mitigating the risks inherent in the free play of the market forces is accepted, we shall continue to bear the ever-increasing risks of ever-shrinking government.

The point we're making here is this government does not have the staff and the will to enforce these laws. The law itself is a law that I can't see why anybody in the Legislature would not support, even though they removed one section of it, which no longer allows for administrative penalties. Therefore, we know that company

directors—they must have made representations to the government—will be off the hook. Company presidents will be off the hook for those administrative penalties. That was in the 1998 legislation that Mr Norm Sterling, the minister of the day, put before the House and never got acted upon because the regulations were never promulgated.

So we have a situation where the government of Ontario, under Mike Harris, has cut the staff of the Ministry of the Environment by one third; they fired one third of the staff out the door. It has cut the operating budget by 45% and done something similar to conservation authorities, only worse, and to the Ministry of Natural Resources. What does this mean? The government will go around and trumpet the changes in this legislation. They will talk about the toughest penalties in the galaxy or the universe, or at least in the Milky Way they will have the toughest penalties possible. But you've got to have the resolve. You can't be playing footsie with the presidents of the polluting companies at the big Conservative fundraisers and then turn around and be prosecuting them. It doesn't happen that way. You can't be saying to your employees, "Be business-friendly," and expect that those employees are then going to do anything other than be cautious about proceeding with prosecutions with polluting companies in this province. You can't have it that way.

The SWAT team: I had the cabinet document that was leaked. Remember this one? The Premier said it was a phony-baloney document, and it turned out to be, of course, an accurate document. I want to tell my friend from Ottawa that what's in it is phony-baloney in some cases, but it is an accurate document. Let me tell you what the SWAT team is all about. It's contained on page 19 of 28 in the cabinet decision document from March of this year. This is what the SWAT team is all about and it's what this government is all about in so many cases—not all, to be fair, but in so many cases. It says, "Staging SWAT photo opportunities, encouraging feature stories on the team's enforcement efforts with targeted sectors, and issuing periodic news releases at the onset, during and following special investigations will ensure that public awareness of SWAT team, its achievements and activities remains high."

It's all about photo opportunities. They'll come along and have their special uniforms and they will, when they have those special uniforms, be out there ready to have the photo opportunity. The Toronto Sun will be there and the National Post will be there to take the pictures, and the minister will be there as well. I know how concerned the public will be when they find out that what the SWAT team is about is photo opportunities.

I like what I find in many provisions of the legislation. We voted for it, and I said that I would support this on third reading, because I think many of the provisions in the legislation can be helpful, particularly if there's a government in power that will make the resources there available and also will have the will to prosecute in those cases. It's extremely important that we have that. I urge

members of the government caucus to have those Ministry of the Environment positions filled. I think you can abandon the SWAT team.

1540

The member for—I used to refer to it as Ottawa-Rideau—Ottawa West-Nepean now would know this. I won't ask him to get up and confirm it, but he would know this. It's the everyday work done by people in the law enforcement area, often drudgery, often boring work, but the everyday work done by environmental officers, particularly those in the investigation and enforcement branch, that will make the difference, not a SWAT team that's there for a lot of photo opportunities.

They said in this government document here today that they inspect only 10% of the sources of contamination in a year, of environmental degradation in a year, and these are important sources. They said what you really have to have is 500 new staff to do this. Remember, 900 staff were fired out the door. They said you have to put 500 staff back in place. I know that costs money, and oftentimes the protection of the public does cost money. Whether it's hiring new police officers, whether it's hiring anybody in the government services that provide a service, that's important. It's not an expenditure; it's an investment in the protection of people in this province.

The Harris government, by making drastic cuts to the Ministry of the Environment, increased the risk of a tragic circumstance facing Walkerton happening. That's most tragic, and I believe it didn't have to happen. But you increase the risk every time you dismantle various branches of government that are there to protect public health and safety.

I want to say to the members on the government side that I intend to support this bill this afternoon.

Mr John Hastings (Etobicoke North): We don't need your support.

Mr Bradley: The member for Etobicoke says, "We don't need the support," waves his hand and dismisses it, but you're the first person who always says the opposition is opposed to everything. We're not opposed to everything. We happen to believe—

Mr Hastings: Why don't you flip-flop?

Mr Bradley: I don't know whether the people at home can hear this. There's just a din of mumbles going on over there. You try to be reasonable, you try to support something, and all you get is the grumbling from the member for Etobicoke North. It's most unfortunate.

Interjections.

The Acting Speaker: Order. If you feel the necessity to speak out, please remove yourself before I do it for you. The Chair recognizes the member for St Catharines.

Mr Bradley: Thank you very much, Mr Speaker.

The parliamentary assistant is here today. I want to say to the parliamentary assistant that there are many provisions of this bill with which I am in agreement. I hope that in a future piece of legislation he will restore what the Honourable Norm Sterling had in a previous bill

in 1998. That would significantly improve the legislation we see this afternoon.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I am pleased to have an opportunity to speak about how this government is keeping its promise to get tough on polluters. Step by step, we're putting in place legislation and resources we need to ensure that our environmental laws are enforced and to provide penalties to fit the offences against our environment. Essentially, we present a four-step action plan.

First, back in 1988, we introduced Bill 82. This was the Environmental Statute Law Amendment Act. At that time, most of the regulations and other legislative tools available to ensure compliance and enforcement were more than two decades old. Ontario's legislation lagged behind other Canadian jurisdictions in making available the use of modern compliance tools such as administrative monetary penalties. It was obvious that stronger and clearer rules were needed for the regulators, for the people they regulate and for the public at large. We brought Ontario in line with other provinces and made our laws better able to perform their intended purpose: deterring and punishing polluters and protecting our environment. Bill 82 laid the foundation for our action program by strengthening the compliance and enforcement provisions of the legislation administered by the Ministry of the Environment. It also increased the ministry's, as well as the courts', abilities to deter and punish those who do not obey the law.

Second, Bill 124, now before our Legislature, provides stronger and more appropriate penalties for offenders. This Toughest Environmental Penalties Act puts teeth in the mouth of Bill 82. It would result in the availability of the highest fines in Canada and jail terms higher than in most other jurisdictions for major environmental offences. Jail terms will be on a par with those of Yukon, for example. Yukon currently has the longest in the country for pollution offences with respect to jail terms.

In addition, Bill 124 would amend the penalty structure in the Ontario Water Resources Act to ensure that these tough, new penalties apply to the most serious offences under the new drinking water protection regulation: failure to report samples that exceed standards and failure to ensure minimum levels of water treatment.

Third, I wish to mention the administrative monetary penalties, or AMPs, regulation which we expect to release for consultation in the near future. Such penalties are already widely used in other Canadian jurisdictions. The new regulation would spell out just how this power is to be used. We are considering a maximum administrative monetary penalty of \$10,000 for every day a contravention occurs.

I will stress that administrative monetary penalties are not fines. They apply to minor contraventions that normally wouldn't go to prosecution and they do not replace prosecutions. They're a much-needed tool to strengthen compliance with Ontario's environmental laws.

Fourth is the creation in September of an environmental SWAT team. The SWAT team will focus on

cracking down on those companies or individuals who deliberately or repeatedly break the law, jeopardize our health or threaten our environment. The SWAT team will increase the odds that polluters or potential polluters will be caught and that they will face convictions and pay significant penalties for their actions. Over time, the SWAT team's strong enforcement presence will also act as a deterrent and encourage compliance.

We want to have the best possible system of environmental protection for Ontario. Compliance and enforcement are major components of this system. It only makes sense that we take aim at those who threaten our health and our environment. Together, tougher penalties and the SWAT team will give us a greater ability to deter and punish those who choose to operate outside the law and threaten our health and environment.

This four-step action plan will increase environmental protection by effectively and visibly bringing polluters into compliance with Ontario's environmental laws, regulations and standards, and by deterring potential offenders.

Clearly the vast majority of people in this province respect the law and care about their environment. That also goes for companies, services and industries. They have no inclination to break the law and put their neighbours, their communities or their environment at risk. For this vast majority, the proposed penalties are great news. They will help to level the playing field by taking away the incentive to pollute.

We have set tough rules to protect Ontario's environment. Allow me to highlight a few of the other actions that have occurred.

Last January, for example, we announced strict air emission limits and mandatory reporting requirements for the electricity sector. In August we passed the drinking water protection regulation, which gives Ontario the strongest drinking water protection. Very recently, we passed the toughest hazardous waste regulation in the province's history.

We will continue to set stringent rules to protect our province's air, land and water. For example, last week we announced a proposed mandatory monitoring and reporting regulation, a regulation that will require the tracking of 358 airborne pollutants.

Stringent rules need strong backing and, as Bill 124 demonstrates, we are committed to doing this. Tougher penalties will help ensure compliance both with the rules now in place and those set in the future to protect the health and well-being of Ontario communities.

To summarize, we are keeping our promise to get tough on polluters. With the passage of this bill, we will have the toughest fines in all of Canada for major polluters. These tougher fines and jail terms will give us greater ability to deter and punish those who choose to operate outside the law and threaten our environment. Only those companies that defy the law, engage in practices that are damaging to public health and the environment, and only those companies that cut operating and maintenance costs at the expense of our environment need worry about these tougher penalties.

Bill 124 will level the playing field. Those who flout environmental laws will not benefit at the expense of good corporate citizens that comply with these laws.

1550

Mrs Sandra Pupatello (Windsor West): I'm pleased to speak today on final reading of Bill 124, the environmental protection bill, and tell you up front that our party will be supporting the bill, and tell you in the same breath that we realize that, after the passage of third reading of this Bill 124, it will have very little effect on environmental conditions in Ontario, for some very significant reasons.

I start by asking this question: why is the Ontario government now the laughingstock of the world's environmental community? There are a whole host of reasons, and this bill will send Ontario up the list not a bit. I ask, too, why we are talking about offences when clearly we don't have the manpower to enact what we currently have on the books. All of the statistics from the Ministry of the Environment itself tell us that's the case.

I would like to mention briefly the SWAT team that was a centrepiece of the document this government ran on in the 1999 election. I would also like to mention the truth behind the Ministry of the Environment: the lowest morale ever in the staff that's left there. Clearly it's hardly a ministry any more. The government insists on this tough-on-crime talk when in actual fact there's very little that actually happens on the ground in a whole host of areas, not just in the area of the environment but with this more cops on the street. The truth is we now have fewer cops on the street. I would like to mention too the leaked memos from the ministry itself that talked about those staff who are left and how they struggle, under this current regime of a government, to function despite a lack of staff and a lack of initiative and political will by the Conservative government.

Let's ask first off, why is Ontario the laughingstock of the world's environmental community? Why is it that when it was announced just a couple of weeks ago that our own Minister of the Environment was going to participate on the world stage to talk about environmental laws in various jurisdictions around the world, they laughed at Ontario, laughed at the fact that Ontario doesn't take care of its own backyard before it has the gall to go sit in front of the world and talk about what it's been doing?

Everyone knows the Walkerton tragedy unfortunately put Ontario on the environmental map in a way that has never happened in Ontario. Historically, governments in Ontario have always moved the ball forward in environmental protection, until the election of a Mike Harris government in 1995. That is clearly the word that's on the street in the environmental community and this bill does nothing to change that.

Why is it that when the federal government brought every province together to the table to have discussions about how to move the ball forward, it was Ontario that had to be dragged, kicking and screaming, along? Ontario was the one province that wouldn't sign on to

agreements when every other province in Canada signed on, much to the embarrassment of the Canadian government which then had to put its face forward to the world's environmental community.

Let's talk a moment about those offences. The member who just sat down spoke about that. He said that these are the toughest laws on the books. They may well be the toughest laws on the books. The truth is, since 1995 we've lost one third of the Ministry of the Environment. We've lost 141 employees who were directly related to protecting the environment. The Windsor office where I come from was closed. The kind of training, the intelligence available in these individuals, once they're gone, is lost to the world of the environmental community. Many of them have gone on to set up their own companies because they have to make a living, I suppose. The truth is they're not available to the Ontario government to enact or enforce this new Bill 124 that's supposed to be so tough.

Just one brief statistic: in 1998, which is the latest year that the data is available, there were over 3,300 documented cases of industries that were violating Ontario's water pollution laws. Only one of these companies was ever charged and convicted with breaking the law—out of 3,300 documented cases, one company. That is an embarrassment.

What good is it to have tough laws on the books if the government doesn't support that with the resources to enact those laws, to have inspectors out there on the playing field to look and see what the industries are doing, to look and see that they're meeting the requirements of the law and protecting Ontario residents and protecting our environment? It's an embarrassing track record for this government to suddenly come forward with all talk and very little action.

We feel badly, in fact. They had a big announcement about the introduction of this SWAT team. They did that shortly after the Walkerton tragedy had already happened, so they came out as though the government were making some new announcement of this new SWAT team. The truth was not one new employee would be had to form this new SWAT team. They would only pilfer from the remaining who were left in the ministry to put them together to form this so-called SWAT team. I asked the government, at the expense of what department and at the expense of what other service have they yanked these people away to form this new political title of a SWAT team?

We watch every day and read every day the outcome in the inquiry that's ongoing in Walkerton. We watch and we hear about the Ontario government's lack of leadership in this regard. The general public has this belief that when you go to the tap and you turn on the water, what you get is safe in Ontario. Walkerton and its tragedy put Ontario on the environmental map in the most negative fashion, set us back decades in terms of what we've been able to achieve in being environmentally futuristic and thinking about our kids and what land we'll leave for them. It was probably the biggest embarrassment, not to mention the largest tragedy in the taking of human life.

Unfortunately, we look today at this announcement of a SWAT team again as a joke because they didn't hire back people they had fired. They just pilfered from remaining people to say, "Here, we're announcing this today. Let's go and do something." We still don't know what the parameters of that SWAT team would be and we certainly haven't seen the resources backing such a SWAT team.

The truth behind the MOE, the Ministry of the Environment: all reports tell us that the ministry can hardly function under its current state, that the Ministers of the Environment since 1995 have sat idly by while the cabinet has taken more and more of its budget away. Whether it was to please industry, please companies that were making regular donations to the PC coffers, for whatever the reasons, you took the funding away from the people who were doing the job, those who would be there to enact this bill on the ground. We lost one third of the ministry—141 staff people, inspectors who aren't there to do the job they were doing before—and we sit back now and watch the people who've lost family in Walkerton, people who should have known, people who should have had notice.

Of all of the circumstances that resulted in Walkerton, I point to the Ontario government as having lacked the leadership in the area of the environment, so to come forward today with Bill 124 is hypocritical at best. We often wonder, when will the government decide that resources are necessary to enact these laws? In the area of the environment it just stands to reason that it costs money to run.

When I go back home to my own riding of Windsor West, one of the greatest industrial areas of Ontario, there are significant environmental issues. There are companies that have led the charge in cleaning up their own act and leading the way and winning the awards in the area of making it better for the citizens—not just of Windsor but of the world.

I would encourage the government. You take the first step in passing Bill 124 and it's not enough. If you don't back it with resources, it will do very little good. It is hardly a political issue when all of us are interested in the environment.

But I would submit that the government has been all talk and no action and this bill is just one more example of wanting to show that it's there for the protection of the environment and, in fact, the opposite is true. The number of offences going down is a clear example, and there is not one group in the environmental community that has been there for decades that is supportive of this government and its behaviour since 1995 in the protection of the environment.

1600

The Acting Speaker: Further debate?

Mr Garfield Dunlop (Simcoe North): It's an honour and a privilege to be here this afternoon speaking in favour of third reading of Bill 124, the Toughest Environmental Penalties Act, designed to toughen our environmental laws.

I'd like to start off by thanking Minister Newman and the parliamentary assistant, Mr Barrett, for their words, as well as members of the opposition for their comments.

With this legislation we're keeping our promise to get tough on polluters. This legislation, if passed, will ensure that Ontario has the toughest fines and jail terms in all of Canada for major polluters. In our election platform, Blueprint—and this has been mentioned a few times here this afternoon—we promised to create a cleaner Ontario. We're keeping that promise with this legislation.

Everyone in the House understands the importance of protecting our environment and the importance of legislation to protect it. Our government is firmly committed to safeguarding our environment and ensuring that Ontario's communities are healthy, safe and prosperous for the years to come. We are just as firmly committed to legislation that helps us achieve these goals.

The Toughest Environmental Penalties Act, if and when passed, will introduce a number of penalties against polluters—and I know they've already been mentioned a number of times in the second and third readings, but I'll repeat them again—first of all, increasing the maximum fine for first conviction of a major offence for a corporation from \$1 million to \$6 million per day, and for subsequent convictions from \$2 million to \$10 million per day. We are also increasing the maximum fine for a first conviction for an individual from \$100,000 to \$4 million per day, and for subsequent convictions of individuals from \$200,000 to \$6 million a day. We are increasing maximum jail terms for a person convicted of a major offence from two years to five years, and we're increasing the cap on administrative penalties from \$5,000 to \$10,000.

As well, the penalty structure in the Ontario Water Resources Act would be amended to ensure that these tough new penalties apply to the most serious offenders under the drinking water protection regulation. The new regulation is part of Operation Clean Water, a comprehensive action plan to give Ontario residents the best and safest drinking water in our country.

Over the next three years, the government will invest \$6 million to steer the establishment of a groundwater monitoring network. We will select several hundred monitoring sites in consultation with our partners, being the municipalities and conservation authorities. Monitoring will include water quality parameters of concern as well as water levels to give us information on groundwater conditions in our province. As I said earlier, we will be working with the municipalities and conservation authorities on installing this technology.

We have committed to provide at least \$240 million to Ontario's small towns, cities and rural areas to upgrade their water systems to comply with the new drinking water regulations and for sewage treatment projects as well. All small towns, cities and municipalities across our province are eligible to apply to this fund. I'm very pleased that I sat with the previous task force on rural Ontario and chairman Dr Galt, and we received a lot of input on the requirements that are outlined in the OSTAR program.

Ontario is a leader in attacking air pollution. During the past year, we took a number of key actions to improve Ontario's air quality and to address climate change. We announced strict air emissions limits and mandatory reporting requirements for the electricity sector. Emission caps and mandatory reporting requirements are being developed for other industrial sectors. In addition, emission performance standards are being developed which must be met for any electricity sold in Ontario regardless of where it is generated.

Tougher new penalties will help to ensure compliance with Ontario's stringent emission limits and mandatory reporting requirements, both those now in place and those for future requirements. A freeze was placed on the sale of all coal-fired generating plants pending an environmental review, and the new Air Quality Ontario initiative ensures that all Ontarians have early and improved access to air quality information.

Drive Clean is well on its way to meeting its goal of reducing smog-causing emissions by 22% in program areas. The smog patrol continues to target the most grossly polluting vehicles on Ontario's roads. I'm pleased to say that Drive Clean is coming to my riding as of January 1 this year.

Mr Steve Peters (Elgin-Middlesex-London): Better find out locations to go to.

Mr Dunlop: Yes, we have locations in both of the major centres and they're working out very well; they're already licensed and they're doing their work as we speak. In fact, the minister is coming up to my riding in early December to visit one of the Drive Clean centres.

We kept our promise to strengthen our regulation governing the management of hazardous waste. We recently passed the toughest hazardous waste regulation in this province's history. This regulation will ensure that all hazardous wastes, both those generated domestically and those imported from outside the province, are managed in an environmentally sound way in Ontario. Again, tougher penalties will help ensure compliance with Ontario's stringent hazardous waste rules.

The policy review and extra panel on the redevelopment of the brownfields recently announced by the government presents great potential for both cleaning up contaminated sites and spurring economic growth.

All these accomplishments and activities that I have talked about are in addition to the many actions we have taken as part of Ontario's Operation Clean Water, our action plan to ensure that Ontario's water supplies are safe and clean. Operation Clean Water is well underway.

All members are aware of our tough new drinking water protection regulation, which for the first time gives the force of law to tough standards designed to ensure clean drinking water for the people of our province. The drinking water protection regulation is a centrepiece of Operation Clean Water. This regulation gives Ontario the strongest drinking water protection in Canada. For the first time in Ontario's history, water quality standards and testing and reporting requirements have the force of law.

The regulation makes very clear what the rules are for; among other things, sampling and testing of drinking water, treatment of drinking water, notifying the proper authorities of potentially unsafe drinking water conditions and providing public access to drinking water quality information.

Protecting drinking water throughout Ontario is a key goal of Operation Clean Water. We are consulting on what small waterworks can and should do to safeguard the drinking water they provide to the public.

We have set tough rules to protect Ontario's environment and are committed to backing them up. In September we announced the environmental SWAT team and we've talked a lot about the SWAT team today, but the SWAT team will focus on cracking down on those companies or individuals who deliberately or repeatedly break the law and jeopardize our health and our environment. Together, tougher penalties and the SWAT team will give us a greater ability to deter and punish those who choose to operate outside the law and threaten our health and our environment.

Clearly the vast majority of people and companies in this province do care about our environment and comply with these rules. Tough penalties are good news for these people. Tough penalties will give us greater ability to deter and punish those who choose to flout these rules and pollute our air, land and water.

Our government understands that cutting taxes and creating jobs is very important to help provide opportunity for the people of this province. Protecting the environment is equally important, and we have taken a number of steps to protect our environment. In protecting the air, our government has developed the anti-smog action plan that involves a multi-stakeholder partnership of industry, non-government and government organizations. The plan includes a government commitment to reduce nitrogen oxide and volatile organic compound emissions in Ontario by 45 per cent of their 1990 levels by the year 2015.

We are building strong environmental protection into Ontario's new competitive electricity market. We are developing emission caps for coal- and oil-fuelled generators and performance standards for all companies that want to sell electricity in the province. This includes American-owned companies that want to sell power in Ontario. We are also developing an innovative emission reduction credit trading system to aid in the further reduction of emissions in the new market.

Our government has also launched the smog patrol, a roadside testing system that pulls over and tests grossly polluting vehicles. In the period from April 1, 1999, to the present, the smog patrol has performed 4,971 pre-inspections, 1,141 tests and has issued 728 tickets.

Cleaning the air we breathe is important, and trees play an important part in that. I'm very proud to live in Simcoe county, where we have the largest municipally owned forestry acreage in the province. I've said this before here, because I am quite proud of it. We have almost 30,000 acres of forest land. We in Simcoe county

are very proud of that. The land was purchased over the last 80 years. A lot of the land in and around the Midhurst area, which is just north of the city of Barrie, was sand fields in the early 1920s. The county purchased this property and planted about 4,000 acres of forestry at that time. The county has historically purchased land from that point on, and we're very proud of the fact that we have this forestry and it's a strong environmental fact that we have it. We're also in the process now of looking at wetlands around the county. Each year the county receives revenues of about \$1.5 million off the forested area, which they put into reserves to help the residents of the county of Simcoe. I just wanted to point that out tonight because I think it's something that people across our province should realize.

1610

The other thing I'm very proud of in the county of Simcoe is the way that the county has managed the landfill sites that they took over in the legislation in 1990. Just recently I was at a county of Simcoe council meeting and they received a presentation from the Miller Group, and they were looking at a very innovative project for the future. It's an enhanced recycling project, and the county will be looking at the funding of that over the next few months to see if they may in fact go ahead with that enhanced recycling plant at one of their landfill sites.

This government has set ambitious environmental goals and is taking unprecedented action to achieve them. As I said at the beginning, we're proud of what we've accomplished to date and we're committed to ensuring that this momentum continues.

I would like to say that I'm proud to support Bill 124. I support the passing of this legislation.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): It is with great pleasure that I take part in the debate on this bill today. Even though we tend to support some portion of the bill, I must say that this government is partially responsible for having created the financial burden on our municipalities.

We look at what has happened since the election of this government in 1995. In this morning's Ottawa Citizen there is an article that mentions this government had received a report immediately after the election. The article reads:

"The handwritten notes were entered into evidence late yesterday at the inquiry into May's E coli outbreak.

"Critics have blamed deep cuts to the ministry made well after the provincial Tories took office."

Even though this was a recommendation by the former government, I must say that before we put a law in place, we should look at the impact and what would happen if we were to proceed with some of the cuts. It continues:

"However, the documents suggest the cuts were expected long before then, and drinking water testing was targeted. The notes outline a meeting of top ministry officials on May 30, 1995—almost a week before the provincial Tories swept the New Democrats from office."

Even though this was recommended, this government is responsible for all those cuts that have occurred since

the election of 1995. We know that this government has proceeded with a ministry budget cut of 45%, which resulted in \$121 million less in the ministry's budget. They have proceeded with one third of its staff cut, which represents 900 person-years. They eliminated 141 staff of the compliance and enforcement officers.

I have to say that in 1998 a company, a goat producer from down in my riding, in St Eugene, was fined \$35,000 for having left dead goats lying all over the field and having thrown dead goats in the river. This company was fined \$35,000, but after pressing and pressing to find out if this was going to be discontinued, finally we got the answer from the ministry: "We just cannot proceed with the fine because we haven't got enough staff in place." This company was brought back to court and fined again for \$9,500. What happened? They declared bankruptcy and started back under another name. That same company is still there and, again, no ministry officials to visit the site.

Ever since we came up with this Walkerton affair, we have forced the municipalities to get hold of some expertise, some engineers to visit all the plants. I was just talking to a small municipality a few minutes ago. This study, which was unexpected in their budget, has cost the municipality \$62,000. The capital cost to meet the government's requirement to the end of this month is \$106,450. The cost to meet the requirements this government came out with, due to the fact that for a long period of time there was no one from the ministry to visit those plants—also they had cancelled all the provincial government labs, so they had to go to the private sector, and at times they didn't have a qualified lab to test the water—is going to be \$66,000 per year. That is a small municipality out of 11 municipalities I have in my riding.

I also mentioned quite a few times to the parliamentary assistant to the Minister of Agriculture that we have a major problem with dead cattle all over Ontario. Since a company like Machabee has been known for years to charge people to pick up dead animals, some people are just throwing the cows in the river at the present time. Lately we found three dead cows in the river, and the people were called to pull the cows out. You could say that with the identification we could find the owner of those cows. At times we just can't, because some of those animals do not have tags.

I could go on and on about what happened with those cuts. Just last week, October 27, the Minister of the Environment ordered corrective action at seven more Ontario waterworks. Up to now, we have found various deficiencies in 212 facilities, and 164 orders have been issued. Again, in my riding—I'm looking at all those municipalities in eastern Ontario; there are quite a few. I have to say that even though we are supporting the intent of this bill, the municipalities are going through so much expense at this time because of the cuts that have happened since 1995.

We say this government is there to give an example. I look at what happened just prior to the moose hunting season up north. In Nipissing riding, right in the

Premier's riding they decided to spray a pesticide in the area. It was clearly written on the sign. The MOE told us, "Well, you might verify with Health Canada if it is acceptable to eat the meat those people are going to go back home with." The recommendation was that you not eat the meat of any deer or moose killed in the area for the next 12 months. The Minister of the Environment has done this, and this is after making quite a few calls to the Sudbury office of the MOE. At the present time, this ministry is not following the rules or the announcement they made since the Walkerton affair.

1620

Je dois adresser quelques mots en français dont j'ai un message ici. Le Ministère de l'environnement ne dispose pas des ressources pour appliquer les nouveaux règlements de M. Harris. Depuis 1995, le gouvernement Harris a réduit de 40% le personnel de ce ministère, dont bon nombre étaient des chercheurs scientifiques et des inspecteurs de l'eau. Le peu de personnel qui reste est démoralisé et épuisé car bon nombre travaillent les fins de semaine et 12 heures par jour. L'inspection de chaque usine de traitement des eaux de la province sur une base annuelle est tout simplement impossible avec les niveaux actuels du personnel.

Un autre reportage : « Soyons réalistes. M. Harris tente de convaincre la population de l'Ontario qu'il s'intéresse à la sécurité de notre eau potable. Jusqu'à maintenant, tout ce qu'il a fait a été de présenter des règlements timides, sans moyens pratiques qui permettraient aux municipalités de s'y conformer. En même temps, il s'est donné le pouvoir de percevoir de fortes amendes auprès des municipalités qui enfreindraient ces nouveaux règlements. »

When I look at all those announcements that were made by this government, they keep repeating and repeating announcements, but are we serious about the announcements? We haven't got the staff in place. When we don't have the staff, municipalities that can afford at the present time to come up with modifications will do it, but what's going to happen with the others?

Just prior to June 2000 I made a statement in this House that the municipality of Maxville, Ontario, where the Highland Games took place—sorry, it was in September that I made this announcement—65% of the 297 wells were contaminated with E coli and very high in coliform. But the ministry's capital budget had no money to come out and help this municipality of Maxville. I'm told there are quite a few others like this, and when I look at this report that was issued on October 27—it is for the municipality of Clarence-Rockland, de même pour le village Estate Waterworth—again, a sample of well number 2 shows total coliform, 780; E coli, 11. But there's no financial help for those municipalities. Where are we going to take the money from? This government has cut just about all the capital expenditures that were available to the municipality at one time. We knew last year that all we had in capital expenditures in the budget was \$14 million. That was all we had. In 1995 we had \$271 million available for capital projects. You might say

we have the Canada-Ontario infrastructure plan that has come in, but again, will the money be sufficient to meet all those requirements? I don't think so.

Right now I am going to leave a chance for one of my colleagues to continue on this issue, Bill 124, which is a very important bill for all residents of the province of Ontario.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: It would appear we don't have a quorum.

The Acting Speaker: If you'd like, I'll check and see. Would you check and see if there's a quorum, please.

Clerk at the Table (Ms Lisa Freedman): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: Further debate.

Mr Bisson: Thank you very much, Mr Speaker. I appreciate you having checked quorum. I know all members of the House want to be here whenever there's a debate going on because it is the essence of what this Legislature is all about: making sure we have the opportunity to come to this Legislature and speak on behalf of our constituents. That's something I would like to do in this particular debate.

I want to say, first of all, to the government members across the way that in regard to Bill 124, generally I support, as the rest of my caucus supports, the direction this bill is taking. We believe, as I think most fair-minded people do, that we need to make sure as legislators, here at the provincial level anyway, that we do everything that is necessary and possible within our power to send a message out there that the province of Ontario is not going to stand back and allow corporate polluters or other polluters to pollute our environment, because at the end of the day there is a cost.

We can't be diligent enough in making sure that we do what's necessary to safeguard our environment. I think all of us here understand that once you've created an environmental disaster, it's not just a question of what it means to a community or to the people around it for today or tomorrow; it's what it means to that community for many years to come.

I come from a community where unfortunately, and it's not uncommon in other communities, we have had some environmental disasters over the years that have besieged our community, and we're still paying for the effects of that. I look, for example, at the area I come from. I grew up in a place called—many people in this assembly would not even know where it is—Kamiskotia Lake.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I know where that is.

Mr Bisson: I know Marcel knows where it is because I showed him on the map one day. I come from Kamiskotia Lake—Marcel, you know I was just joking. Basically our community was a lake just outside the city of Timmins at the time; it was outside the municipal

boundaries. The Kamiskotia mine, which started up during the time of the Second World War, was put into production by the then federal and provincial governments to make sure that the province and the country were able to generate the type of resources needed for the war effort. That ore body, as many members may not know, was a copper ore body. It was put into production forthwith, as quickly as possible, in order to increase production of copper for the war effort at the time. I think it was about 1942 or 1943 when it was brought into production.

One of the issues of the day was that they were in such a hurry to put that mine into operation that they didn't bother making sure there were properly engineered tailings dams to make sure that whatever effluent we pushed out of the mill in the production of copper did not leach into the environment. That mine was built without proper environmental assessments and without proper permitting, I would even argue. As a result of that mine being in operation for some years, the dikes finally gave way and we now have, unfortunately, probably one of the worst disasters environmentally from a copper mine, certainly in our region and I would argue probably nationwide.

That has meant that the fine fishing in some of the areas has been very negatively affected, as well as property values for individuals who live there. We own a family cottage just on the edge of that area. If you walk in behind our cottage and go about 300 yards, it's basically walking on to an area that you would think was hit by an atomic bomb. All of that has happened because governments were not diligent that day in making sure we safeguarded our environment. Because of the stupid decision back then to allow that thing to be built without proper environmental protection, we now, some 60 years later, are still paying the price. Unfortunately my children, and I would argue probably the children of their children, will still pay that price. So for Kamiskotia making a few bucks for the investors and providing for the war effort, we made a sacrifice at the time that many generations will pay for.

I raise that issue because often people say, "What is environmental protection all about?" It's something that's a bit nebulous. Well, it's very real, it's very concrete, and yes, unfortunately it happens far too often in a neighbourhood close to you. I think we as legislators, especially in this new millennium, have to make sure we do everything in our power to be able to protect those areas from being negatively affected.

I have to say, on the issue of the Kamiskotia mine, that I want to congratulate the Minister of Northern Development for the work he did, along with myself and Councillor Rick Bisson, then-Mayor Vic Power and his council, in order to make sure that we put together the dollars necessary to do some of the reclamation work that we want to do on that particular area. The government—I give them full credit for it, along with the Minister of Northern Development and Mines—followed up on a request that was made by our community that was

spearheaded by Rick and others and myself and the council in order to make sure that money was there to at least deal with some of the worst parts of that disaster so that people living in and around there, people like Lise Cantin and other people I know very well who live out there, M. Lapointe, Mr Alberton, Mrs Damini, all people I know well, at least are able to not have to deal with looking at that thing on a daily basis.

1630

I give the government credit for that, and I thank the Minister of Northern Development and Mines for having provided some of the money necessary to fix some of that.

I say that because I think it's important to recognize that at the end of the day, for the mere saving of a few dollars, not building a proper tailings dam, which at the time was probably a half-a-million-dollar expense in 1940-some-odd dollars, we are now having to spend in the tens of millions of dollars just to mitigate some of the most basic disasters that that thing has created.

That's the point that I really want to make through this whole thing: if we don't safeguard upfront a new development or an expanded development of some type from environmental disaster, the cost down the road is much more.

The part that is even more galling is that unfortunately those costs are not often on the people who created the disaster; it's about you and I, the taxpayer, because we're the ones at the end who pay the taxes, who unfortunately end up paying to remedy these disasters because those companies that made the millions of dollars of profit by cutting some corners bankrupted themselves, they've declared themselves insolvent, they've hidden behind laws that protect them—and I'll talk to that a little bit more in the bill in a second. They've hidden themselves behind some laws where we can't get at them any more. Unfortunately, the taxpayers are the ones who end up paying.

I, for one, don't want to see that happen any more. I believe that it's very important—is the government getting up to see if we have a quorum? Mrs Speaker, I believe we don't have a quorum.

The Acting Speaker (Ms Di Cocco): Could we check to see if there's a quorum?

Clerk at the Table: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: Continue.

Mr Bisson: I was sure I saw the government whip get up, and I was sure he was going to call a quorum call. I just wanted to assist. I didn't realize the government members were that worried about my calling a quorum.

I just want to say that far too often what ends up happening in cases of environmental disasters is that the public, the taxpayers, are the ones who unfortunately end up paying the bill because some corporate entity or some directors or people in charge of a project decide to cut

corners for the sake of saving a few dollars. They end up leaving town, and we are the ones who have to live next to the environmental disaster and suffer the consequences of that, and sometimes there are health matters related to it. Certainly the taxpayers at the end get caught.

We have another story, unfortunately in our community again, where back in the late 1980s there was a proposal to mine tailings out of the old McIntyre mine. The company, which was an Australian company, decided they were going to come in and make a proposal to the city of Timmins and to the then provincial government, which was led by Mr Peterson and the Liberals, to open up this particular project to be able to extract the gold out of the tailings. Many people in my community saw that as a very good thing. They said, "This is going to provide much-needed jobs in our community." We were promised upwards of 80 to 100 jobs over a period of 15 to 20 years.

I wasn't in politics then, but I certainly raised the issue with the groups of people I was associated with, and I think I did so when I had an opportunity to speak to the media about it, saying, "We don't have the safeguards necessary. There is a potential for environmental damage here, and we need to make sure the company puts up the securities necessary, so that should something go wrong and they skip town, we—the municipality and the citizens—have the dollars to remedy the problem."

What we were going to end up with at the end of mining these tailings was—the tailings were an old set of tailings that had since dried up because they hadn't been mined. They had been there for many years—back in the 1920s, I think—and what happened was that eventually they used it as a baseball park. In that whole area around the tailings there was a baseball park, there was Pearl Lake, which had some really nice places where people could go for walks. In fact, most people who were getting married in our community used to go to what they called the Schumacher-Pearl Lake Park to get their photos taken, because it was such a nice area. Over the years it had been rehabilitated.

They wanted to mine that whole area. It was smack in the middle of our community, between Schumacher and Timmins, right next to the highway. At the time, I said, "Listen, there are no safeguards that the company that does this is going to be around long enough to make sure they remedy the disaster after they've created it." We knew that by digging all that up we were going to lose the baseball park, we were going to lose Pearl Lake Park, we were going to lose all those nice areas. We needed to make sure we got money from them to put in place something to replace them after, that at least made the community proud and restored to some condition what was there before.

The government of the day—and it's not necessarily pointing fingers at Mr Peterson—was interested in economic development, as I am, and said, "Well, this is 80 jobs. They tell us, 'Yes, for sure, everything's going to be OK.'" They were going to make sure that at the end, once this company finished those tailings, they'd

move to other tailings, fix that up, make a little lake and a little park and it would look really good.

At the end of the day, the council decided to allow it to go through. I'm not sure, but I think it was Mayor Power or it might have been Mayor Welin who was the head of council at the time. It was around election time, so there was a bit of overlap. For reasons of economic development—and I'm not doing this to attack them; I understand why they did it—they said, "This is 80 jobs. The company tells us there are going to be financial assurances."

I believe Mr Welin, who was on council at the time, didn't want to allow it to happen without those assurances. I remember there was some criticism that, "Oh, you're scaring away some jobs." Eventually the new council came in and allowed it to happen without the assurances. As a result, the mine went ahead and they built the mill. There was an investment of probably \$50 million or \$60 million to build the mill. They started mining the tailings, operated for three years and went bankrupt.

Guess what happened at the end of the bankruptcy? It was an environmental disaster smack dab in the middle of the city of Timmins, we had no financial assurances and we had no mechanism under law to get at this now-defunct company to fix the disaster they created in the middle of our community.

To this day, as you drive down what used to be Highway 101—Madam Speaker, I believe you want to share something with us.

The Acting Speaker: I'd like to welcome, in the members' gallery, former member Jack Johnson from Wellington-Dufferin-Peel, from the 32nd Parliament to the 34th Parliament.

Mr Bisson: I'm so pleased that the former member is here, because I know he is here to hear what I have to say. I'm just beside myself to be honoured in such a way.

Hon Frank Klees (Minister without Portfolio): On a point of order, Madam Speaker: I believe it's appropriate for us to recognize that Mr Johnson was the member for Wellington-Dufferin-Peel for 12 years and then for a further three years for Wellington-Peel. He tells me he misses this place drastically, would love to participate in this debate and set the member opposite straight.

Mr Bisson: I have to say I agree, and I'll tell you why. He's going to set me straight? I was agreeing with the government. Now the government is saying they want to set me straight? All right. I don't want to support the bill any more. I think it's terrible. You guys messed it up again. It that what you want me to do? I come into this House saying, "For once you got something right," and you're saying you're opposed to me. What a bunch. There's no pleasing those Tories on the other side of the House, I have to say.

1640

Further to the member missing this place, I can well understand why, because this is a most noble profession. In all seriousness, as members of this assembly we are very privileged people. We get to serve our communities that we love, and we love doing it as part of our job. We

also have an opportunity to participate, and there's nothing more noble to be done, in my eyes, than the work that we do here. I can well understand why you would miss it, because I certainly enjoy the work that I do here and I know other members do as well. To you, sir, I say, run again. It is as simple as that.

I want to come back to the point of Pearl Lake Park because I think it sets up what is happening within this bill and what the government is trying to get at. If you don't have financial assurances, if you don't have the ability to go after these bad polluters, at the end of the day you're going to end up with these types of environmental disasters that I'm talking about. I know you have some in your community, as other members do.

In the case of the McIntyre mine tailings where the old Pearl Lake was, we found ourselves in a situation where they operated for three years; they went bankrupt; they hid themselves behind the bankruptcy courts. We couldn't get at them. Guess what? The taxpayers of the city of Timmins and the province of Ontario were again stuck on the hook. I think that's highly unfair.

Why should we, the taxpayers, have to pay for the incompetence of some corporate operator who doesn't know how to operate a plant properly that pollutes the environment and makes a disaster? I don't think it's fair to the taxpayer. We should have the assurances up front to make sure that we don't get into these situations and, number two, that we have legislation with teeth in it so that if they are doing something wrong, we can get at them.

For that part of Bill 124 where we are increasing the fines, I agree with that concept. At the end of the day, you know, money talks. That's what it comes down to. As I know and as Minister Hudak across the way knows, most companies are there trying to make a buck. They understand the idea of having to pay a fine if they do something wrong. It is a deterrent. That's what you're trying to do by way of this bill, to provide a deterrent to those operators across the province which may be thinking of cutting corners so that we don't end up with Hollinger mine situations and we don't end up with issues like what happened at the McIntyre.

The last point about Pearl Lake is, we are now in a situation where, if you drive from Schumacher to Timmins on Highway 101, which we call Algonquin Boulevard, and you look over to your right as you drive towards Timmins or your left as you drive to Schumacher, all that sits there now is a great big hole where they've taken the tailings out. The only thing we've done and been able to afford to try to mitigate that is to put up a fence, one of those chain link fences with the plastic running through it so that when people drive by they can't see it. We have all these people who drive along to Timmins for the very first time who go, "I wonder what's behind that fence." If they only knew. You can see when you're further back on the hill and unfortunately they're seeing something not very nice.

I say we need to do all that we can to make sure we protect our environment when it comes to those types of

actions. By way of Bill 124, and this is specifically where it ties into the bill, the government is trying to send a message to those corporate polluters that they should not be allowed to do this type of thing and that there should be a stiffer penalty if they're caught doing wrong.

The problem with the approach is that we may be increasing the fines but what we are finding is that there's really no ability to enforce the legislation because we've lost all the people at the Ministry of the Environment. What you've got is a government that since it came to power, for the sake of cutting red tape and making government more efficient, has done everything it can and has gone about basically taking money away from ministries such as the Ministry of the Environment. The negative effect has been that we don't have the staff in those ministries to enforce legislation.

I want to say to the government ahead, Bill 124 might be a step in the right direction. I'm prepared to admit that. There's one part of the bill that I have problem with which I'll talk to later, but generally I agree with what you're doing with the bill. You have to have the staffing in place to make sure that when people are doing things wrong, we have the ability within the Ministry of the Environment to go out there and try to remedy the situation.

The Ministry of the Environment, since this government has taken power, has lost 60% of its budget. Think about that. That means the Ministry of the Environment has lost 60% of all the monies it had, both on the capital and operating sides, in the operation of the Ministry of the Environment. It means we do not have the staff necessary to be able to go out and to monitor all these operations that are currently running and certainly to monitor those new ones that are coming up on-line, to make sure they're not cutting corners that will, in the end, negatively affect the environment. I want to give you but just one example of the negative effect of that.

I recently—about a month to a month and a half ago—had the opportunity to speak to a number of people who work within the Ministry of the Environment about a related issue. In the conversation I had with them, they said to me directly, "As it stands now, the province has a law on the books. It's a law that's set and then it's furthered up by a regulation that says all mining operators in our area have to have the discharge of their plant tested every three months. The point of that is making sure that whatever they discharge into the environment is tested so that if there's anything in there that is toxic, it can be picked up as quickly as possible and remedied before we end up in a situation of having all kinds of toxic substances dumped into our environment."

They're now telling me they're backlogged by eight months with any testing that goes on, when it does happen. In some cases, it doesn't even get done, but where it does get done, they're eight months backlogged from the time they actually get the water sample to the time the testing is done and reported back to the Ministry of the Environment. That means that if on January 1 of

this year a Ministry of the Environment employee gets to go out and test an actual mine operation for discharge coming out of its plant, it will be a full eight months before that report comes back, which means there's a whole bunch of time that things could be discharged into the environment and could cause all kinds of problems in our waterways, our groundwater and our environment for years to come.

I say to the government, that's unacceptable. That would be like the government of the day saying, as we do now, that there are laws on the books that say it's against the law to go in and rob the corner store or rob whatever store but, "We don't need police officers any more because we believe citizens will do the right thing. They will police themselves and nobody's going to go in and rob stores any more." So they get rid of the police officers. Well, what do you think happens? What happens is, criminals understand and those people who are thinking of those actions say, "Hey, there's no consequence for my actions. There may be a law on the books, but at the end of the day there are no police officers out there to catch me, so I'm going to go out and do it."

I say to the government, it's the same thing when it comes to the environment. You have to have the staffing in place. How else is it going to work? You can write laws, I say to the government across the way, that high from the top of my desk, the most progressive legislation in the province and in the world—in the galaxy, as Marilyn Churley says. You'd be able to do it. You'd be able to write laws that high that are the best in the galaxy, but at the end of the day it doesn't mean a darned thing if you don't have the Ministry of the Environment staff to go out and make sure the legislation is being followed.

I think what the government is engaged in here in Bill 124 is more of a PR exercise than actually caring about doing something for the environment. I have to look at this bill, Bill 124, in relation to other bills this government has done. This government has prided itself—it's been a virtue that this government has seen itself as having come into this House in 1995 and undone most of the environmental legislation, and I would argue most of the regulation, that protected the public and the environment from environmental disasters. They've done it by way of the red tape bills and they've done it by way of other bills they've introduced in this House where they've lessened the standards when it comes to the ability to protect our environment.

This government has done so under the theme that this is good for business, that cutting red tape and getting rid of government services generally is good for business. I would argue that's probably not the case, but aside from that, it's certainly not good for the environment, because we are now seeing, quite frankly, the types of things that happen when government removes itself from its responsibility of making sure that our water is safe to drink and that our environment is protected.

1650

Walkerton is a good example. Unfortunately, it's a terrible example of what happened. The example is that

in Walkerton we have a situation where—and I'm not going to go into the details; everybody understands—people died drinking water out of a tap. In the province of Ontario nobody would have believed, in the country of Canada nobody would have believed, that opening your tap at home and drinking that water could kill you. Nobody would ever have thought that was possible, but one of the reasons we ended up in that situation, unfortunately, is that this government said, "We can get rid of all kinds of stuff the government does because it's expensive, it's a big burden on our public purse and we need to get rid of it because it gets in the way of business."

Certain efforts were made by this government to lessen the requirements for testing water and, on top of that, to allow water testing to be done differently than it had been done for a number of years before. It's not that change is bad in itself, but there was not a change that really made things better. All it was was about lessening requirements. As a result, when the water was polluted, when the water was contaminated by whatever in the end contaminated the water—there are certain allegations of where that came from, but the point is that there was no way of really assuring ourselves that the water we were drinking was safe, and unfortunately people died. It was Marilyn Churley, my colleague within the NDP, who in the last part of the summer break really brought this issue to light, did a lot of work and is still doing a lot of work to try to find ways of protecting ourselves from those kinds of occurrences again. She has proposed numerous ways of doing that by way of legislation that this government has not accepted yet.

I say to the government, if you're going to come in here and introduce something like Bill 124, which I say again in itself is not a bad thing—you're increasing fines for corporate polluters out there. I think that's a great thing, but if you're going to come in and do that, at least have the fortitude and at least have the integrity of looking at the issue overall and accepting some of the ideas from this side of the House, such as the legislation that has been put forward by Marilyn Churley and the NDP caucus that deals specifically with a drinking water act. Implementing a safe drinking water act in Ontario would be a good start, something that my colleague has proposed, something that she has tabled in this House. This government said no because it was more interested in putting this out so they could get a PR exercise on the day the Walkerton inquiry started. They wanted to have some way of being able to say, "We too, the Mike Harris government, are for the environment." They introduced this bill to make that happen.

One of the sections of this bill that troubles me is that—I believe it was back in 1998—the government brought legislation into this House, Bill 82. I'm not sure if it was for the first time, but it imposed administrative penalties for certain actions when it came to polluting water, allowing effluent that was a toxic substance to be discharged into the environment. They imposed administrative penalties. There was a section that said—and I

thought this was a good thing—that if in the end it was found that a corporate director or somebody who was an officer of that company knowingly allowed that to happen, the state—in this case, the province of Ontario—could go directly after that officer or director who knowingly allowed the situation to happen.

The government brought that bill forward. We in the opposition, in the NDP, supported it. We gave it quick passage. We thought it was a good thing, one of the few things on which we agreed in that Parliament with the Conservative government. We thought that was a good thing and we allowed it to go through because we said that it made perfectly good sense, if you had a director or an officer of that company who knowingly allowed something to happen, knowingly created a situation where the environment was put at risk, and did nothing about it or created a situation to make it even worse, that there be some culpability of that officer or director. We said that was a good thing and we supported it, and the bill went through here lickety-split, no time allocation motion. The opposition agreed. Away we went and we allowed the bill to pass.

That section of the act was never proclaimed. They came in here, the government of the day, introduced the legislation and got the photo op they were looking for. We took it at face value that the government was going to do at least what it said it was going to do by way of the legislation, and then we found out with time that this government did not proclaim that section of the act. If a corporate entity was found to have polluted and the officer or the director knowingly allowed it to happen, there may have been a law written on the books, but it didn't mean anything because it never was proclaimed by the government. Therefore, you had a law that said one thing, but the practice was quite something else. The government was trying to sort of have its cake and eat it too before the last provincial election and said, "Look at us. We're so good for the environment. We're Mike Harris. We're the environmental party of Ontario." There they were introducing legislation that in the end they didn't even proclaim.

I want to say again, because I don't want to be unfair to the government, that there is a huge part of this bill I agree with. I agree with the changing of the imposition of fines; I think it's a good thing. But there's a section in this bill that takes out of Bill 82 the section that dealt with being able to get after officers and directors of companies who knowingly pollute the environment. It's a bit cynical for the government to do this, in fairness. The government in 1998 put in place the law that said we can go after those directors and officers who knowingly pollute. They didn't proclaim it. Then they come in with this bill. "This is the toughest legislation in North America," said Mr Newman when he introduced it, the toughest stuff in the galaxy, as Marilyn Churley would say, but at the end of the day the government is taking out by way of Bill 124 a section that was a progressive section under Bill 82. Now we're in a situation where you cannot get at the directors or officers.

The scenario now is that if this bill passes the way it is, basically we can't get at corporate polluters, and I'll call them that, who knowingly go out and pollute, at those officers and directors who made the decision, because the government wouldn't proclaim its own legislation under Bill 82 but is now taking out that provision by way of Bill 124 in this Parliament. I say to the government across the way, that is really cynical politics. You're trying to send a message that you're the environmental party of Ontario. Your actions are different, and I think most people see through that.

I want to touch on the issue of toughest legislation in any jurisdiction, because that's the line the Minister of the Environment, Mr Newman, has used when dealing with Bill 124. I come out of the mining sector, and in the mining sector it is well-known—do you know one of the jurisdictions that has the strongest environmental legislation to protect the environment and the public when it comes to environmental disasters in mining? Do you know where the toughest jurisdiction is? Mexico. But everybody in the mining industry knows that if you go to Mexico there's nobody enforcing the legislation. So it's a joke. The minister across the way knows. He's heard that, I'm sure, from Dr John Gammon, who is a good friend of his, as he is of mine, the deputy minister. Mexico has some of the toughest laws on the books.

I remember when I was in my term in government as parliamentary assistant to the Ministry of Mines going to a conference here in Toronto. I believe it was Toronto or Montreal. Actually it was here in Toronto. I always remember that because at the time the Chrétien government had invited a number of people from around the world to come and talk about their mining industries across the world and their opportunities. The effect of the conference was, "Canadian investors, take your money out of Canada and go and invest it somewhere else." I always thought, "Boy, that's a really weird way of attracting investment for mining in your country, when you invite people from other jurisdictions to go into competition getting exploration dollars out of Canada and sending them to the United States." Anyway, that's a sidebar.

The point is that the Mexican official who came to Toronto to speak to investors in Canada, looking at spending dollars in mining in Mexico, said point-blank, "I want you all to know that we, the Mexicans, are the toughest when it comes to environmental legislation to protect our environment," but, "Don't worry, be happy," he said in a little bit of a joke. He said, "At the end of the day, we don't enforce any of this legislation. We only put that law on the books for show and you guys can do what you want within reason and we won't bother you." Those were basically the comments made by the official from the Mexican government who came here to talk about their tough environmental legislation.

The point is you can have all the tough legislation in the world, but if you don't have the enforcement mechanism and the staffing to go out there and nab those corporate polluters, it's not going to work. It's like I said

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): She's just stretching.

Mr Bisson: She's just stretching, is what she's doing. OK. You have to watch this, as a member.

I was saying we put in place that protection of the environment when it came to forestry because we recognized, as a government back then, that if you don't have the laws in place in some cases to force some of these companies to do the right thing, it's not always going to happen. Yes, there are plenty of good corporate operators out there. I can think of some in my own riding, like Tembec, which does a very good job, and other mills in my area. But there were some out there that were not as good as others and we needed to have some system in the province to make sure that we were able to put in place protection for the environment, but at the same time put in practices in the forest that allow them to cut the timber in a way that is sustainable both for the environment and as a resource. At the end of the day, the legislation that was put in place has changed the industry from being seen as a brown industry to an industry that is now seen as a green industry. Our industry in Ontario is situated in a very positive way when it comes to how it's compared with other jurisdictions that they compete with. I say to the members across the way, there are ways of doing that by legislation, but you also have to have in place mechanisms in order to protect—that those laws are done in such a way that you have the staffing to go out and police that and make it happen.

Bill 124 in itself is a bill that certainly has support on all sides of the House. We think this legislation, when it comes to increasing fines for polluters in the province of Ontario, is a step in the right direction, and I say to the government across the way that we give you credit for that. But the warning is this: if you have not the staff in the Ministry of the Environment to go out and make sure that you're able to police this, it's not worth the paper it's written on. We know that by all kinds of examples that I and other people have raised in this House and that we've seen in other jurisdictions.

As well, within this legislation the whole idea, the whole notion, of removing from previous legislation the ability for the crown, in this case the province of Ontario, to go after directors and officers of companies who knowingly go out and cause damage to the environment and pollute—taking that away I think is very cynical. The government, by way of Bill 82 in the session of 1998, put that in place and said, "Look at this: this is a green piece of legislation. We are going to make sure that if there are polluters out there and those directors and those officers responsible for the decision make a decision that at the end pollutes our environment and does it knowingly, we have a mechanism to go after them." We thought that was good. Unfortunately, the government never proclaimed the law, and now they come by way of this debate through Bill 124 and are taking that particular part away.

I say to the government across the way, the notion of the fines is the right direction, but you have to make sure

that you have in place those mechanisms and the staffing necessary to enforce that. With that, Madam Speaker, I thank you very much.

The Acting Speaker: I would like to recognize in the members' gallery a former constituent, Andrea Vanpelt, and her family. I want to welcome them here.

Further debate?

1710

Mr Doug Galt (Northumberland): I appreciate the chance to say a few words on this particular bill on its third reading. I've heard a lot of attacks from the other side of the House and I just wanted to bring to the attention of the Legislature some of the things that the Ministry of the Environment has been doing, particularly in the area of air. There are a tremendous number of things over the last five years that we've been doing to improve the air quality of the province of Ontario; for example, the anti-smog plan. Here's a program to reduce by some 45% the volatile organics by 2015. That's actually been moved up to 2010; it was 2015. There is also the Drive Clean program that I'm sure you're very aware of that's been brought in and already, in its first years, has reduced emissions by some 6.7%. There will be a total reduction of some 22% when this program is totally brought in.

Also addressing climate change, Ontario is a leader. I don't know where the federal government is. They were the ones who were over in Kyoto negotiating and doing all the talking, but since they came back there has been very little performance from the federal government. It's Ontario that's leading again on climate change, some \$10 million that's being put in there.

Emission performance standards for the electricity sector: here again, Ontario is a leader. Effective January 2001, the government will implement emission performance standards for the electricity generators in Ontario and for generators outside of Ontario selling into the province—a lot of concern when we were going with competition in the electricity sector.

I also to draw to your attention that Ontario had inter-vener status with US courts when the EPA was challenging the US government. Again, that was a win; it was a win in favour of our government and in favour of the EPA back in March of this year.

The smog patrol, for example—out watching what vehicles are doing—is part of the Drive Clean spot check on trucks and buses and light duty vehicles.

These are some of the many things that have been going on, not to mention many others, like updating the air standards, something that hasn't been done in some 20 years, initiated three to four years ago. There will be some 120 human health and environmental air standards that will be upgraded.

To continue: a \$4-million-plus investment in air-monitoring equipment.

There was also an interesting program brought in when I was the parliamentary assistant for the Ministry of the Environment, called Partners in Air, putting equipment into our schools so that students can sample, test

and analyze air samples in their community, work with it on the Internet and see what other schools are finding out. One of those schools happened to be a school in Cobourg. I know the students there really enjoyed using that. I was there for the launch of that particular one, as well as one up in Hamilton.

There are also the smog alert resource materials to assist municipalities in monitoring for smog levels.

Last but not least there's the reduction in the gasoline volatility regulation, which reduced volatile organics by some 19,000 tonnes. This is a material that creates ozone, and with the dust particles you end up with smog.

I just thought that was important, with all this negativity we're hearing from the other side of the House, to talk about. I could go into water and soil and the other areas, but that's just one example of an area that the ministry works in. I thought the opposition would be interested in that.

This bill is really about keeping promises. It's a promise that was in the Blueprint, it was a promise in the fall action plan that the Premier brought out, and now we're bringing in a bill that will provide for some of the toughest penalties in the world, literally. It's a tremendous bill; it's one more step. Certainly we brought in increased penalties before, but this is one step up.

We have a track record of keeping promises. This government had a promise to cut taxes and the taxes have been cut. We had a promise to cut red tape. Tremendous numbers of red tape bills have gone through and a tremendous amount of red tape has been eliminated. We promised to eliminate those job-killing regulations and we got rid of most of those. We are here to provide a government that costs less and does a better job, and there's no question over the last five or five and a half years that has certainly been happening.

Robert Service, a Canadian poet, once said that a promise made is a debt unpaid. Certainly we hear, particularly from the federal Liberals, all the promises they make. Now they've got red book 3. I guess those are the promises they made in red book 1 and red book 2 that they didn't keep, so they just put them together and called it red book 3. Madam Speaker, I don't understand a party, and I'm sure you would empathize with this, that would make promises they wouldn't keep.

We've certainly developed a reputation as a government that keeps promises we make; promises made, promises kept, is what the public recognizes this government as. Even in the Bush and Gore debate a few weeks ago—granted, they haven't got that settled yet, but they were talking about promises made were going to be promises kept. Maybe they copied it from us. I wouldn't be surprised. It's kind of an honour to have the candidates for President of the United States copying from our government.

It's great to see that we will be bringing in some of the toughest penalties in the land. We're providing leadership, and that's something our federal government could do: provide some leadership.

What we've seen from the federal Liberals is that they're busy putting up smoke screens to look after

Calamity Jane and the HRDC atrocities that happened in this country, the wasting of billions and billions of dollars, but we're getting used to it. The appointment of non-elected people to their cabinet: in a democratic country they would appoint non-elected people to the federal cabinet just so that maybe he can get a step up to become the next—not to mention the fountain in the Prime Minister's riding. It's probably at his cottage, for all I know.

Talk about breaking promises. The GST was the greatest promise they had and they broke it back in 1993. Remember the promise on the GST, and they broke it. Now what are they into? They're into an unnecessary campaign, calling an election some 18 months—

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Madam Speaker: These are important issues the member addresses and I know we could spend days, as the people of Canada are right now, debating these issues, but the bill before us today is the bill we're supposed to be debating and I have not heard much reference to that bill in this member's statements.

The Acting Speaker: I'm certain the member will be returning to the topic of the bill.

Mr Galt: That's what I was getting around to, Bill 124.

Mr Bisson: On a point of order, Madam Speaker: If it's of any assistance, I think he was speaking directly to the debate and I want to hear more.

The Acting Speaker: Order.

Mr Galt: It's good to have people in the Legislature who understand this. What I want to do in connection with this bill for a few minutes is to bring to their attention what the Liberals left on the order paper: some 14 bills, and I think it's a shame, important ones like the Bill 124 we're discussing here. They left one sitting on the order paper about the Criminal Code, An Act to amend the Criminal Code (cruelty to animals, disarming—

Mr Duncan: On a point of order, Madam Speaker: This is an abuse of the Legislature. The people watching this channel know full well they are going to be called upon to cast their opinion in some 12 days with respect to what was or wasn't on the order paper of the federal House. This is not related to Bill 124—

The Acting Speaker: This is not a point of order.

Mr Galt: Thank you very much, Madam Speaker. I think it's interesting how upset the member opposite is getting because, obviously, I'm zeroing in on—

Mr Duncan: On a point of order, Madam Speaker: Is there a quorum present?

The Acting Speaker: Is a quorum present?

Clerk at the Table: A quorum is present, Speaker.

The Acting Speaker: Please continue.

Mr Galt: It's too bad that the member across wasn't able to count prior to calling for a quorum. I can tell I've touched a nerve here, because as soon as I talk about his federal cousins, whom he's trying to protect and he's out campaigning for, he gets to his feet.

Mr Peters: On a point of order, Madam Speaker: This is a very important piece of legislation that we're

debating here today. One of the most important things that takes place in this province is ensuring that we have a save environment. I would love to hear from this honourable member about the important things that the government should be doing for the environment that they're not doing for the environment. I don't think that discussing issues relating to a federal election has anything to with it. If we wanted to talk about the CRAP party or the federal Conservative party, we could do that, but I don't want to do that. I want to talk about the environment.

1720

The Acting Speaker: I believe the member should return to the topic of the bill.

Mr Galt: We will return to it. I'm certainly disappointed that the members opposite don't want to hear what I have to say, but we're pleased that Ontario is on track with this particular bill. We're keeping our promise—

Interjection.

Mr Duncan: On a point of order, Madam Chair: The member said that I indicated I didn't want to hear from him. That is not the case at all. I very much want to hear from him about Bill 124. It's improper—

The Acting Speaker: This is not a point of order.

Mr Galt: I guess it bothers him when I talk about Ontario keeping our promise. He just can't take the truth about Ontario keeping our promise. We don't let acts die on the order paper like the species at risk, which is all about Environment Canada. Twice it has died on the order paper. I guess he can't take that. But we do have a promise. We did promise to protect the environment of this province. We are bringing in the bill. This is the third reading and I look forward to unanimous support of it going through.

Nobody has the right to pollute the environment. The verbosity that we've heard in this House today from the other side—calling points of order when they really haven't been points of order. I look forward to the stiffer penalties that this particular bill will bring in. It will indeed send a very strong message to those who are thinking of polluting in the province of Ontario.

Mr Joseph Cordiano (York South-Weston): I'm glad to be speaking on this legislation on third reading. When I look at the bill that's proposed by the government, certainly on paper it appears as though this is legislation that has been designed to deal with what it says it wants to deal with: toughening penalties. That's a good thing, and we support that.

On the other hand, if you scratch beneath the surface and you begin to understand the track record of this government, the next thing that comes to mind is the question of credibility with respect to this government and its handling of the environment. No one would doubt that this government has great credibility when it comes to getting tough on welfare recipients, when it comes to getting tough on children who find themselves, through no fault of their own, in poverty, on the mothers of those children who are on social assistance. There is great

credibility for this government when it comes to dealing with cutting what welfare recipients receive on social assistance. The 22% cut inflicted on those social assistance recipients by this government was very real and everyone knows that. They can take credit for that.

But when they try to take credit for dealing with the environment and toughening the laws and ensuring that there's an environmental framework, a regulatory framework in place to deal with the environment, you have no credibility, I say to this government. The reason you have no credibility is because you cut one third of the Ministry of the Environment staff right at the beginning of this government's mandate. One of the very first things this government did was to cut the Ministry of the Environment staff. Some 900 staff members were let go at the Ministry of the Environment.

Another fact: 45% of the Ministry of the Environment's budget was slashed by this government, building further evidence that this government has a track record on the environment that is less than desirable. There's a credibility gap there. This government has not dealt with the environment in a fashion that would lead us to believe that in the future they will have awakened to the reality that the environment is important. This bill, we hope, will go some way to dealing with the problems that we have in this province, and there are many. Walkerton is a wake-up call. It's a huge tragedy of enormous proportions that perhaps this province has never seen before.

There are many other problems that ought to be dealt with when it comes to the environment in this province. Again, it's a ticking time bomb. We will leave a legacy for the future generations of this province that will be quite a disaster if we don't deal with the environmental problems we are facing today. These build on themselves and future generations will face the prospect of bankruptcy in having to deal with those environmental problems which will mount and which will multiply in the future.

I say to the government, you can't begin that process of building credibility by just enacting this law. The problem is that it falls far short of what we need to have in order to deal with environmental problems and to deal with offenders who are polluting the environment. Not only must you have tougher penalties but you need that regulatory framework, and that regulatory framework has been gutted. The red tape bills were designed specifically to do away with the regulatory framework, and this government has enacted that red tape legislation.

We need greater numbers of inspection and enforcement staff, otherwise this bill is absolutely meaningless. On paper, yes, the bill enacts tougher penalties, but how can you enforce those penalties if you don't have an inspection staff? There is no mention of greater resources for the hiring of additional staff. There was some mention of a SWAT team by the minister. I heard him earlier, and supposedly this SWAT team will be moving around the province. I heard our critic speak with respect to the SWAT team and he suggested, and I happen to

believe him, that this was going to be a great photo op for the minister and the government; that the SWAT team would move around from photo op to photo op across the province.

We are cynical about this, and we have every right to be, because the government has a very lousy track record when it comes to protecting the environment in this province. It is no accident that Ontario has been rated the third worst polluter in North America. It's no accident that the Sierra Legal Defence Fund issued a report showing that in 1998 there were over 3,300 documented cases of industry polluting Ontario's waters. Thirty-three hundred cases, and guess what? Only one of these companies was ever charged and convicted of breaking Ontario's laws. Perhaps other members have spoken to this, but it's worth repeating. That's a startling fact. I say to the government, you have a long way to go before anyone gives you any kind of credit for dealing with environmental matters.

As I said, you have a track record dealing with people on social assistance, and all of us would agree that you're tough on people when it comes to social assistance. You're tough dealing with those people. You're tough when it comes to dealing with people with disabilities, and you won't bring about an Ontarians with Disabilities Act to rectify the problems being faced by people with disabilities in this province. You're tough when it comes to those kinds of issues, but don't stand here and tell us that you've been tough on polluters and that you're going to get even tougher. It doesn't wash. There's a huge credibility gap.

I say to the government, of course we support this legislation, but we do so with a great deal of scepticism and in the knowledge that your track record has just been a pitiful one when it comes to the environment.

1730

The Acting Speaker: The Chair recognizes the member for Durham.

Mr John O'Toole (Durham): Unaccustomed as I am, Madam Speaker, to seeing you here and to speaking, this is an opportunity to put on the record that this is indeed clearly accepted as the Toughest Environmental Penalties Act in Canada, arguably in the world.

There are three important principles in Bill 124. I always like to start at the beginning of most books, especially if it is a bill that I'm reading:

"An offence of contravening the act or the regulations, if the offence results in an adverse effect." In other words, it has to be established that there has been an impact, and clearly this is a matter of having the proper tools in place for compliance. Investigation and inspection is dealt with in one of the sections under the penalties section.

"An offence in respect of hauled liquid industrial waste or hazardous waste, if the offence may result in an adverse effect." We are dealing with the whole area of hazardous waste and the disposition of that material.

"An offence of failing to comply with a stop order." So it's very strong in establishing offence purposes.

Then under the offences, it makes the offences the toughest anywhere in any jurisdiction. I think, for the record, it is important to put that clearly.

Other jurisdictions: The proposed legislation will ensure that Ontario has the highest fines and jail terms for major polluters. That's worth reflecting on for a moment. That's the deterrent part. In fact, it looks even stronger in that what they call the administrative monetary penalties in some areas are higher. The intention here is to move it from the administrative penalties—in some instances these are corporate officers who would have been found somewhat negligent—to prosecute them under the act itself, which means that they would face a much more severe regime of penalties.

The bill itself deals with the amendments to the Ontario Water Resources Act to increase the maximum penalties for offences that impair the quality of the water of any waters and certain offences that relate to water treatment. There's been much said about water and water quality. It is important to recognize that we are establishing the toughest enforcement in the penalties to act as a deterrent. Clearly, the case that we have before the courts now is an example of that. We had sort of fallen behind, you might say, in best practices.

The bill also amends the Pesticides Act to increase the maximum penalties for offences for adverse effects caused by, in many cases, negligence.

In all cases, the bill increases the maximum fines for corporations from—now listen to this; this is staggering—\$1 million to \$6 million.

Hon Tim Hudak (Minister of Northern Development and Mines): How much?

Mr O'Toole: To \$6 million on a first conviction—and listen to this—and from \$2 million to \$10 million on a subsequent conviction. Talk about a deterrent. In Ontario, it is just not acceptable any longer, period. There are courts in place to prosecute those people who ignore and violate and contaminate our environment. It is no longer acceptable. I can tell you that Minister Newman, if he was here today, would be standing right beside me. He used to sit beside me. So now I'm standing, he'd be standing beside me.

Hon Mr Hudak: He's left you behind.

Mr O'Toole: Actually, the minister has done very well. I don't want to get off topic here too much. I think he's one of the toughest environmental ministers we've had.

Right in front of me is another former Minister of the Environment, Mrs Elliott, whom I think very highly of. I know if she had stayed on the job, she'd be a force to reckon with. That's pretty much thematic of our whole caucus: tough on the environment, there's no question about it.

In the case of offences under the Environmental Protection Act that result in an adverse effect or that posed or pose a risk of adverse effect, the bill makes the maximum penalties for an offence under subsection 194(2) of the act the same as the maximum penalties for an offence under section 186. What it is doing here is harmonizing all the provisions for offences.

In going through my notes here, there's one small area where there was some confusion. I wanted to clarify that. An article in the October 17 Toronto Star—you shouldn't believe the Toronto Star to start with; you should cancel your subscription to that—said that Bill 124 repeals the ability for a company director or an officer to be fined for not taking reasonable efforts to stop a company from polluting the environment. This statement is clearly inaccurate and false. I can't use the word "lie" here, so I won't do that. Bill 124 does not repeal the ability for fines and jail terms to be applied to the companies or the directors. In fact, as I told you, they're to be prosecuted under the act itself. There would be these penalties of millions of dollars that I talked about earlier.

I listened to the debate this afternoon, starting off with the minister and the very able parliamentary assistant, Toby Barrett. They've clearly established that I'll be supporting this bill, and I'm asking the people of Ontario to work with this government to protect the environment, not just in my riding of Durham, where there's the Oak Ridges moraine and sensitive land and there are large companies, and I think they're respectful large corporations. We're after are those unscrupulous operators.

The message of this particular bill is to strengthen the penalties, strengthen the enforcement, and make sure that they're in compliance with protecting a resource that all of us share as Ontarians, and that's our environment. It's clean air, clean water and clean soil. I think to have the toughest provisions is clear evidence that this government places the environment right at the top of the list of those things that we think and hold dear to each of us.

The Acting Speaker: Further debate? The member for Elgin-Middlesex-London.

Mr Peters: Thank you very much, Madam Speaker. It's a pleasure to have you in the chair this evening.

It's about time we hear that the government is going to start to get tough on the environment. Hopefully we're going to be able to improve the track record of this province so that we're no longer the number three worst polluter in North America.

I think that this government needs to accept responsibility for the damage that has happened to the environment in this province since it was elected in 1995. Dalton McGuinty and the provincial Liberals are committed to the environment and taking meaningful steps that are going to improve the environment. The Liberal Party, under the leadership of Dalton McGuinty, will support this legislation, because it is a step in the right direction. But it's a step in a direction that is not going far enough.

You talked about deterrence and you talked about being tough. You can do those things—you can increase the fines, you can have the legislation in place—but you need the resources available to enforce that legislation. How can this government stand up and say that they're going to be tough on polluters when they've cut the resources, they've cut the enforcement agencies in this province? The damage is unprecedented. You talk about doing damage to the environment in this province. You've done more damage with the one-third cuts to the

environment ministry's budget than anybody else in a previous government in this province. I think that's a real disgrace.

But we will support this legislation. I think there are issues, though. They talk about environmental protection. Let's talk about some areas where this government needs to invest the resources and make a commitment to supporting the environment in this province. Let's talk about a very important program that is out of money. There's no commitment from the Minister of Agriculture or the Minister of the Environment or the Premier of this province to support this program. That's the environmental farm plan program.

This is \$1,500 that was made available to farming families in this province to develop an all-encompassing environmental farm plan for their farm, a program that was developed close to 10 years ago in conjunction with the Ontario Federation of Agriculture, the Christian Farmers and other agricultural agencies in this province, a partnership working together to try and help the environment. But is there a commitment from this government to keep this program alive? No. It's out of money. There isn't that commitment there.

Let's talk about another piece of legislation that we've been waiting for—I can't say that somebody's not here—that we've been waiting for and that people around this province have been waiting for, and that's the agricultural operations act. The agricultural operations act is a piece of legislation that the agricultural community in this province wants. They want this legislation in place. But they don't want a piece of legislation in place that's going to force something down somebody's throat from an environmental standpoint and not ensure that the resources are there. It concerns me tremendously that this government will put in legislation but will not put the money where their mouth is in supporting the farmers in this province when they implement this legislation.

1740

Let's talk about air quality. They talk about the things that have happened with air quality, but we've yet to see the commitment to ensure that the coal-burning hydro plants in this province will be converted from coal to natural gas before there are any sales by Hydro One. There is not that commitment.

I live in an area of southwestern Ontario, in St Thomas, that encompasses London, Elgin county and Middlesex county, one of the areas where we're constantly receiving smog alerts from the province. Smog, as we all know, doesn't respect boundaries. We need a commitment from this government to work with our friends in the United States to ensure that smog isn't going to cause damage to the lives of people in this province. We need that commitment.

They talk about drinking water protection. Dalton McGuinty and the Liberals campaigned in 1999 to put strong drinking water protection in place. What does this government do? This government does not act with strong legislation dealing with drinking water until after the damage is done—very reactionary. We need a

government with a vision for the environment in this province. We don't need a government that possesses 20-20 hindsight. We need a government to look ahead and this government has not shown that commitment to the environment.

We talk about hazardous wastes and about how, with this legislation, Bill 124, we're going to crack down on hazardous waste, but it's another record: As we're the number three polluter in North America, we're the hazardous waste importing capital of North America. Hazardous waste is coming into this province and you've opened the doors. You've allowed those doors to open in this province. The Speaker's own riding has a toxic waste dump. We're seeing unprecedented amounts of toxic waste rolling into this province. Some commitment by this government.

We've got issues. There's a very serious problem around this province dealing with the environment. For many years, many cities had old coal-gasification plants that produced gas for heating, lighting and cooking purposes. These plants closed over 60 years ago but we've been left with an environmental toxic legacy, whether it's Peterborough, St Thomas, Kingston or London. The coal tar blob in London needs to be cleaned up. We need a commitment from the Ministry of the Environment to do something.

CURB was a wonderful program in place that did a great job of helping the rural parts of our riding make commitments to the environment and make changes so we could end environmental damage to our streams and water courses. What did this government do after they were elected? They cancelled the CURB program.

There is another issue we see when we talk about a commitment to the environment, and again Bill 124 is a step but it doesn't go far enough. In my own riding I have 82 kilometres of Highway 401. What is this government allowing to happen? They're allowing garbage that's going to be trucked from the greater Toronto area through to the United States. That needs to be, but the government has a role it could play in this. Does the government consult? Does the city of London or the city of Sarnia or the city of Windsor have any consultation by this government? No. They read in the newspaper that this garbage is going to be travelling through their ridings.

We talk about the environment and ways we can do things. Why don't we see a commitment from the government to look at the railways? The railways are the

very foundation that built this country. We're seeing railway lines ripped out left and right across this province. We need a transportation plan that will help us ensure that some commodities can travel by rail. There is a role for the provincial government to play in ensuring that the railways have a role to play in the future of the transportation network in this province. There is not that commitment to a rail transportation policy from this government.

Some of the biggest polluters of the environment, unfortunately, are antiquated pollution control plants that virtually every municipality has, and we need a commitment. There was a commitment from previous governments to invest dollars into municipal governments to ensure that sewage treatment plants met standards, and that places like St Thomas could build a combined sewer overflow that would ensure that 90% of the wet storm bypasses would be removed. There is some money coming in through the OSTAR program, but not nearly enough.

Bill 124 is a step, but it's a small step. We need the mentality to change on the government side of this House. We need a strong commitment to the environment, a commitment not for our generation but for the pages who are sitting in this room, to ensure that their children and their grandchildren have a safe environment and that commitment does not exist with this government.

The Acting Speaker: Further debate?

Pursuant to the order of the House dated October 24, 2000, I am now required to put the question.

Mr Newman has moved third reading of Bill 124, An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in respect of penalties. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Please call in the members. There will be a five-minute bell.

I have a letter from the government whip, and it says, "Pursuant to standing order 28(h), I would like to request that the vote on Bill 124 be deferred until November 16, 2000, at deferred votes."

This House is now adjourned until 6:45.

The House adjourned at 1749.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Brant	Levac, Dave (L)		
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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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		York Centre / -Centre	Munro, Julia (PC)
		York North / -Nord	Cordiano, Joseph (L)
		York South-Weston / York-Sud-Weston	
		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Wednesday 15 November 2000

MEMBERS' STATEMENTS

Injured workers	
Mr Ruprecht	5437
Cartwright High School	
Mr O'Toole	5437
Doctor shortage	
Mrs McLeod	5437
Restorative justice	
Mr Johnson	5438
Mike Weir	
Ms Di Cocco	5438
Ontarians with disabilities legislation	
Ms Churley	5438
Trenton Memorial Hospital	
Mr Galt	5439
Winter highway maintenance	
Mr Gravelle	5439
Federal corrections system	
Mr Dunlop	5439

REPORTS BY COMMITTEES

Standing committee on government agencies	
Report deemed adopted	5440

FIRST READINGS

KMFC Holdings Inc. Act, 2000,	
Bill Pr28, <i>Mr Ouellette</i>	
Agreed to	5440

MOTIONS

Private members' public business	
Mr Klees	5440

ORAL QUESTIONS

Members' compensation	
Mr McGuinty	5440
Mr Harris	5441, 5443
Mr Hampton	5442
Ontarians with disabilities legislation	
Mr McGuinty	5441
Mr Harris	5442, 5446, 5447
Mr Parsons	5445
Mr Hampton	5447
Domestic violence legislation	
Mr Hampton	5443
Mr Flaherty	5443, 5444
Mr Bryant	5444

Education labour dispute

Mr Clark	5444
Mrs Ecker	5445

Sex offenders

Mr Young	5446
Mr Sampson	5446

Waste management

Mrs Dombrowsky	5447
Mr Newman	5447

Mandatory drug testing

Mr Stewart	5448
Mr Baird	5448

Ontario whole farm relief

Mr Peters	5448
Mr Hardeman	5449

Flu and pneumococcal immunization

Mr Hastings	5449
Mrs Witmer	5449

PETITIONS

Northern health travel grant	
Mrs McLeod	5450
Education labour dispute	
Mr Christopherson	5450
Registration of vintage cars	
Mr O'Toole	5450, 5452
Pension indexation	
Mr Ruprecht	5451
Protection of minors	
Ms Mushinski	5451
Mr Gill	5452
Photo radar	
Mr Hoy	5451
Employment standards	
Mr Christopherson	5451
Diabetes treatment	
Ms Di Cocco	5452
Occupational health and safety	
Mr Christopherson	5452

THIRD READINGS

Toughest Environmental Penalties

Act, 2000, Bill 124, Mr Newman	
Mr Newman	5453
Mr Bradley	5455
Mr Barrett	5458
Mrs Pupatello	5459
Mr Dunlop	5460
Mr Lalonde	5462
Mr Bisson	5463
Mr Galt	5470
Mr Cordiano	5472
Mr O'Toole	5473
Mr Peters	5474
Debate deemed adjourned	5475

OTHER BUSINESS

Legislative pages	
The Speaker	5439
Visitors	
Mr Levac	5440

TABLE DES MATIÈRES

Mercredi 15 novembre 2000

TROISIÈME LECTURE

Loi de 2000 sanctionnant par les peines les plus sévères des infractions de nature environnementale, projet de loi 124,	
<i>M. Newman</i>	
M. Lalonde	5462
M. Bisson	5463
Débat présumé ajourné	5475

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(Hansard)**

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Wednesday 15 November 2000

Mercredi 15 novembre 2000



**Speaker
Honourable Gary Carr**

**Président
L'honorable Gary Carr**

**Clerk
Claude L. DesRosiers**

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 15 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 15 novembre 2000

The House met at 1845.

ORDERS OF THE DAY

LABOUR RELATIONS AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES RELATIONS DE TRAVAIL

Resuming the debate adjourned on November 14, 2000, on the motion for second reading of Bill 139, An Act to amend the Labour Relations Act, 1995 / Projet de loi 139, Loi modifiant la Loi de 1995 sur les relations de travail.

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the member for Hamilton West, and it's in debate, I believe.

Mr David Christopherson (Hamilton West): I appreciate the opportunity to continue my leadoff remarks with regard to Bill 139.

Yesterday, I had about 20 minutes to talk about a number of the concerns we have, and I won't go through all of them again, obviously, but just to refresh our memory I have already spoken to the issue of expanding the decertification window of when it's OK to make application to remove a union from 60 days to 90 days and pointed out that the only agenda that would make sense if you were doing that is if you wanted to encourage decertification.

The fact that the one-year mandatory ban on a second or third organizing attempt was now expanded, that it wasn't just the union that made an application or attempted an organizing drive that was prohibited from making another attempt within a year after one attempt, no union could apply for a year: I pointed out the concern of, first of all, perhaps some rights being violated under the Constitution and the Charter of Rights and Freedoms, but also the fact that all you need to do is bring in some kind of an employee association made up of a minority of employees who have strong disagreements with the idea of a union. If they make an attempt, it's enough to qualify as a legal attempt, never really having any chance to succeed, perhaps even being aided and abetted by the employer. As long as they made that attempt and it was rejected, then no other union can come in for a year. Again, the obvious attempt is to keep unions out.

I want to spend the time I have this evening talking about two things; one would be to discuss in detail some

of the specifics that are contained in Bill 139 and why, even though they may not be the be-all and end-all in terms of the end of the modern-day labour movement in and of themselves individually, collectively within 139, and cumulatively since 1995, this government has clearly offered up a blueprint to employers on how to prevent unions from coming into the workplace and, if you have them, how to bust them and get rid of them.

The first thing I want to do in terms of the blueprint they're offering up is give an overview of what I believe is going on and then offer up the details by virtue of pointing out labour law changes this government has made over the last few years and incorporating into that the individual specifics of Bill 139 that add to that employer climate that you want to foster that aids and abets the elimination of unions, either from coming in or, if they're in there, getting them out.

This is just what Bill 139 is going to do. Here's the plan. Here's the blueprint being offered to employers. The first thing you do is, you spread the myth that union bosses are in this for their own personal gain only, and you promote that by talking about divulging—like it's some big, deep, dark secret—how much money labour leaders receive in Ontario. Of course, as we all know, it's all there already in constitutions. I've pointed out time and time again that in terms of democracy this government has a lot to learn from the labour movement in terms of openness, transparency and a commitment to the principles and ideals of democracy. I see one of the members across the way—he doesn't say an awful lot—it's Halton something—

Mr Ted Chudleigh (Halton): Halton. All of Halton.

Mr Christopherson: Yes, all of Halton—laughing away because he finds this very humorous, as they all do.

Interjection.

Mr Christopherson: This is all just play for them. It's all just play for them. As if you would know anything about it in terms of union democracy. You don't know anything about democracy, certainly in this place. How could you know it outside this place? If you give me the right, I'll point out my arguments to you and we'll see at the end of the day what you've got to say, because there's a two-minute response. I'd love for you to be the one who stands up and responds—

1850

The Acting Speaker: Order. If members have something they want to say, they should say it to me. If those who are entering into debate properly, like the member from Hamilton West, would address the comments

through me, then I think we'll get along a lot better. Thank you.

Mr Christopherson: Thank you, Speaker. Then all my remarks are of course through you, sir, to the member.

Interjection.

Mr Christopherson: I thought his speech was going to be longer than mine there for a second.

That's the first thing you do. You create this big myth that that's what's going on, that you've got all these union bosses, I guess with the big stogies, who only care about themselves, probably inferences of corruption and things like this, playing to that stereotype you want to promote, which would be a little hard to do if you were talking about Kelly Hayes, for instance, who happens to be the president of the elementary teachers in Hamilton, who's leading 3,800 teachers out in—well, they're being locked out right now. But I'd like you to try to apply that stereotype to her and see how well it works. Nonetheless that's the game plan. That's the blueprint.

Then what you want to do is, you want to push vulnerable workers by distributing every year information on how to decertify a union. Again, we are not talking about General Motors or Stelco, but we are talking about smaller establishments where maybe the union hasn't been there as long, where there are a lot of vulnerable workers, perhaps new Canadians where English isn't their first language, who really haven't had a lot of experience with the rights and how you exercise those rights in this province.

Then of course you use the cute little trick—this is all in 139 only—where as long as there's that union drive once, you can deny anyone else an opportunity to come in and organize for a year. Add that into the hopper and then—and we're going to talk about that—separating the two votes so that you've got—this is for people who, by and large, have not been in unions and you separate the vote—a first vote on whether they want to reject or accept a contract and then, if necessary, to go on strike.

I'm going to explain a little later on what's behind that and how it really works in a workplace in terms of the dynamic at play, which I don't expect most of the government members in the House here today to know, but certainly the Minister of Labour and the people in the Premier's office do, and that's why this is here. They know exactly how this will play out on the floor in the workplace.

Then if all of that fails, there's also the heavy-duty hammer that you've got in here where it will be legal, with the passage of 139, to actually just rip up a collective agreement, just completely eliminate it by virtue of applying the laws in 139. It's not just the private sector who will get the opportunity to do this; it's municipalities that have been squeezed by you, school boards that have been squeezed by you, and you're extending it to banks. We'll talk a little bit about why that's in there.

That's your blueprint. There is a plan to all of this. Bill 139 does not stand alone. It's one part of a litany of labour legislation that takes us from the point in time in

1995, at the end of the NDP government where we were beginning to see some real fairness, real democracy and real rights being afforded workers, and then slowly, step by step, through stealth you put in place the pieces of law that take away those rights—not in one fell swoop. Again, 139 doesn't do it in one fell swoop, but step by step by step, ever so carefully.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): How dramatic.

Mr Christopherson: I hear the honourable parliamentary assistant saying, "How dramatic." That may be, but it's also true. Regardless of what you may want to do to try to assassinate my character or my characterization of what you're doing, everything I'm saying is true. All the rights that I'm going to talk about this evening, in the limited time I have, workers once had and you took them away.

Interjection.

Mr Christopherson: You took them away.

In the next few minutes, I want to talk about the specifics of the remaining issues in Bill 139. I want to talk about the issue of separating the first contract from a strike vote. Yesterday in the House, if you want to talk about theatrics and drama, the minister's performance had to be right up there, worthy of an Oscar nomination—lots of theatrics. His main argument was an attempt to portray all this as reasonable and fair: "How can the opposition oppose these things? They're so fair and reasonable." That's the way his debate went. He attempted to portray these things that way. Well, fine and dandy as far as it goes. But let's scratch the surface. Let's take a look at what's going on here.

We've got a newly organized workplace. Most of them probably have not been in a union, have no idea of the strength a union can bring them, no idea how to exercise many of the rights they have, and some of them have some fear about the future, what's going to happen. There have probably been some whispers on the floor from the employer about how the union coming in is ultimately going to mean lost contracts and lost work: "Work won't be coming in, so jobs won't be there, and you're then going to lose your job." By the way, it used to be that was illegal. They still say you can't do that, but they took away the one hammer that really prevented it, which was that if the employer poisoned the workplace, the law provided that the Ontario Labour Relations Board could, if they determined there was a poisoned workplace, impose a first contract.

That was taken all the way to the Supreme Court of Canada, the Wal-Mart case. The Supreme Court of Canada upheld the thinking, the rationale, the principles and the decision of the Ontario Labour Relations Board to impose that first contract because the employer had intimidated the workers there, the employees, to the point where there was no longer an ability to have a fair, free vote. There was always the right to force a second vote, but the Ontario Labour Relations Board deemed that the workplace atmosphere was so poisoned that imposing a first collective agreement was the only fair way to deal

with the situation. They said specifically that a second vote would not resolve the issue of the poisoned workplace.

That's gone. So if the employer does intimidate, directly or indirectly, the worst that can happen is maybe a fine, which of course becomes just a business cost, just like buying a piece of equipment or hiring somebody. It's just a business cost. The other worst thing that can happen is a second vote. The Supreme Court of Canada has already said a second vote does nothing.

So we've got a situation now where that's the kind of world there is, that you've created. What we had in 1995 is gone. The rights workers had that were there, supported by the Supreme Court of Canada, are gone, and now you have potential intimidation going on in the workplace, workers being improperly, illegally scared. They have a union meeting where a proposal is put in front of them in terms of the offer the employer is making, and they're told they are going to vote on that and have a separate strike vote. It sounds reasonable. The problem is that because they are so frightened, there's a very good likelihood—and that's why you've done it—that those workers, without experience in negotiating, would say, "I'll have the best of both worlds. I will reject this contract offer, but I will also reject the idea of a strike because I don't really want to go on strike if I don't have to." The problem is, once you've got that scenario, you might as well send the union packing, as you know. That's why you're doing it.

Why do I say that? Why would I say you might as well send the union packing? Because at that point, without at least the threat of a strike as a negotiating leverage, a negotiating tool, all you've got is going back to the employer cap in hand, on bended knee, saying, "My members rejected your last offer, boss, and we would really appreciate it if you would put more in there." When the employer says, "No, I'm sorry, that's the most that we're going to offer," what are you going to do then? Threaten them with getting angry? A nasty letter? You don't have anything. You don't have anything, and workers don't need a union at that point.

Beautiful, eh? Beautiful for the employer, but the worker's out of luck. That's what this really means, and that's what they're hoping will happen. They know what will happen, and so will anyone who's watching this who's either had experience being a part of an organizing drive bringing their union in or has negotiated on either side. Even if you're an employer negotiator, you know what I'm saying is true. That's the dynamic that happens on the floor, not the little fantasyland that the minister painted. That's the reality, the nitty-gritty of what goes on in the workplace.

1900

Posting decertification info: this one's a beaut. What this says is that it's now the obligation—the obligation—of an employer to post the rules and procedures on a bulletin board and provide information to employees about how to decertify the union. Given everything else that's going on, how could anyone believe this is

anything other than fostering and urging and creating an environment of decertifying? Why else would the Harris Tories do it? Notwithstanding the minister saying yesterday in the House that the best thing that ever happened to working people was electing the Mike Harris government, which has got to be so far the biggest joke that any Harris minister has uttered in this place—it's so over the top, I think it might actually work the other way, because there are very few people who are actually going to believe that Harris is a pro-worker government. Even their supporters know that's the case. So now you've got an obligation on the part of the employer to post how you get rid of a union.

On the day the minister announced this—which, by the way, was at a private function that labour leaders weren't allowed to go to; only the employers who paid to be delegates there for that luncheon were allowed to go in, other than myself and the official opposition critic, but labour leaders were not let in—I asked the minister right here in the House during question period, "If you think this is so fair and reasonable, can we expect and will you now today tell me that you're going to impose a requirement on employers where there is no union on how you get a union?" The minister talked about, "Oh, you don't have to do that. There's all kinds of unions out there organizing and that's all being taken care of." Give me a break. If you really wanted to be fair—and of course my argument is you don't, but that's your argument so I'll challenge it—then you would have said this is what will happen in non-union workplaces, but you didn't. It's all part of the blueprint that I talked about at the beginning.

Now, this one's quite the deal, the next piece I want to talk about. This is the non-construction employers. People will recall that Bill 31 contained a similar clause, and this was as a result of the Toronto-Dominion Bank that wanted to get rid of their requirements, their legal obligations, to the construction trade unions. They also disagreed with the OLRB, the Ontario Labour Relations Board, and took their case all the way to the Supreme Court of Canada. The Supreme Court of Canada said, "No, no, no. You have a legal obligation." Interestingly, as I pointed out at the time, one of the lawyers, the key, lead lawyer working for the firm that the Toronto-Dominion Bank hired, is now the key policy person—I think he has a new position now, but at the time he was the key policy person in the Premier's office, the same person. What a coincidence.

They ran into a problem, because unions are not stupid. They have resources, and they were able to use the language that you brought in in a way that prevented some of these employers from unilaterally dumping their unions. There were two ways to do it: one was under the definition of what's a non-construction employer, and the second one was that there was a requirement in Bill 31 that on the day that a company or a school board applied to the Ontario Labour Relations Board to decertify, they had to have absolutely no employees in their employ. The unions were able to successfully prove that there were employees there on the day that the application was

made and therefore the application was denied. The government doesn't like this, because the whole point was to dump these unions.

Now we find it here again in Bill 139, and it's meant to streamline the process, to get rid of this nuisance that got in the way of what you wanted to do, which was to allow the Toronto-Dominion Bank and other banks to eliminate their obligations to the collective agreement. That's what you do here, and it's consistent. This government watches what happens in terms of decisions of the Ontario Labour Relations Board, and if they don't like the decisions, they change the law—no consultation. There was no consultation with labour on this bill; there was with employers, of course. I don't know, does that sound reasonable and fair, as the minister likes to talk about, that you have a bill that has significant implications for workers and unions and they aren't asked what they think about it? It's interesting. The day the minister made the announcement that Bill 139 was going to be introduced in the House, he admitted in a scum that there was nothing in this bill that labour asked for. Everything in this bill was what the employer asked for. That's fair and reasonable? How?

The other interesting thing about this is the argument by the minister that somehow this is justified because municipalities and school boards—he didn't talk about banks. Think about it. Why is somebody helping banks? They're making record billions of dollars of profit in the biggest economic boom North America has ever seen, and this government steps in to help them make even more money off the backs of workers. How shameful. But what's interesting in addition is the minister standing up and saying, "Look, again, reasonable and fair. The municipalities and the school boards are spending taxpayers' money. Shouldn't they be able to get the best deal they can? And the best deal they can get"—his argument is—"has to include the option of non-union construction firms. Otherwise it's"—get this—"discrimination."

He waved his hands around. "What's wrong with that? It's so reasonable. The taxpayers should be allowed that opportunity." Again, taken at first blush, if you don't think about it any further than what you're spoon-fed from the minister, it does sound like it might be just reasonable and fair and in the interest of the taxpayer. But again, come on, give it a little thought. Let's step back and look at this. Does anybody believe that the wage proposals are going to be the same for a contractor that has a binding relationship with the unions, through a collective agreement, and another contractor that does not have a union? Of course not. The non-union is going to be lower, not because of better management, not because of more efficient running of the corporation, not because they've got better suppliers, none of the things that actually increase productivity through better management overall, no; it's cheaper because you pay the workers less.

1910

Now we're at the philosophical bus stop. You either get on the bus or you get off the bus at this point, because

you either believe that a part of why this is the greatest place to live in the world is because you can achieve decent wages and benefits—and that's usually done through a union—or not.

In Hamilton we have a solution to this: it's called a fair wage policy. All it says is—it doesn't matter whether you're union or non-union—if you bid on a contract that we have, you've got to be at the union labour rate, because that's the decent wage to pay a bricklayer, a sheet metal worker, an electrician. That's the decent wage to pay them and these are the decent benefits and this is the decent pension, and this is what you have to include. Whether you're non-union or union really doesn't matter, as long as you're doing this. That works. That means there are construction workers in Hamilton who are paid a decent wage by virtue of their taxpayer dollars, because they pay taxes just as much as anybody else and they have a right to be treated fairly.

If you set it up the other way, you know it's skewed in favour of the non-union, so the point would be that you don't want the unions to get the jobs, and eventually those contractors either go out of business or find a way to get rid of their union, because you've provided all these other blueprints and all these other labour laws that make it easier to get rid of the union, and at the end of the day there's no union. And you would stand up, Minister of Labour, and say, "A victory for the taxpayer." No.

Hamilton is a great place to live, in large part because we have a strong, proud labour movement. Local 1005 at Stelco has committed decades, since 1946, to represent those workers, to make sure that if you work at Stelco you get your fair share of the profits that are made at that very profitable company, a company we're proud to have in Hamilton. Across the street pretty much, at Dofasco, there's no union, but there's an automatic fair wage policy, because Dofasco doesn't have a union and the only way they can keep the union out is to pay exactly what local 1005 gets—it used to be about one or two cents more—and then people say, "Hey, I get all the benefits of a union and they treat me as well as workers get treated at Stelco, so why should I pay union dues?" It's disappointing to me but not irrational. There's nothing wrong with that thinking. In my mind, that's what a fair wage policy does. It makes sure that whether you're union or non-union, you're going to get decent wages for the professional labour that you provide.

Now, in the Tory world, take the same scenario with Stelco and Dofasco in Hamilton, remove the union from Stelco and then walk down the road five years. Five years later, I guarantee you the wages and benefits at both those companies would start to drop, because there's nothing to prop them up.

I want to say very directly to people in communities right across Ontario, if you think that wouldn't affect you if you're a nurse or a teacher in Hamilton, it will, because you're going to be at the bargaining table, and if the wages at Dofasco and Stelco, which represent thousands of workers and family incomes, start to drop over the years, it's going to be that much harder for you to argue

at the negotiating table and to the public that you're entitled to whatever it is you've got on the table that attempts to bring out fairness in your collective agreement.

You know this. That's why you're doing it, and that's why I get so furious when you stand up and do this "It's reasonable, it's fair and we only care about the taxpayers." If people don't look any further than what you've spoon-fed them, they'll buy it. But the reality is, there are reasons these things are in place and there are reasons they work, yes, for workers, but more importantly for families and for communities; they make this the greatest country and the greatest province in the world to live in. You are attempting by stealth, step by step, to eliminate that.

There is a reason the labour movement—they're not buying this workplace democracy stuff, nor should they—is calling it the more workplace firings act. There was a time, in 1995, when if there was an organizing drive going on and you were fired, and you had any reason whatsoever to believe it was tied to the fact you were active in that union organizing drive, you could apply to the Ontario Labour Relations Board and get an expedited hearing, and you would get your day in court. I forget the exact number of days, but it was like within a week that you would have your day in court, because it's unfair to fire somebody who's active in a union. The employer finds some other excuse; they say it's something else. But they have to defend that in front of the Ontario Labour Relations Board. And if the labour board finds in favour of that worker, he's back at work on the spot, all rights, wages, benefits and seniority reinstated. That was 1995.

Now, under this government that the Minister of Labour says is the greatest thing that ever happened to working people, we've got 10 people at Drycore who have been out of work for months, and they still don't have a date to get in front of the Ontario—unless it's happened in the last little bit. It might have happened in the last week or so. All those months those workers were denied their day in court—not an automatic reinstatement but an opportunity to make their case that they were involved in a union organizing drive and they believed that's why they were fired. They used to have that right to be heard and a decision made almost instantly. Now it takes months and months. How is that fair?

It's certainly what you like, because it sends a chill to everybody in that workplace, which is what you want. You've got a whole lot of people saying, "Jeez, I saw what happened to Bob. I don't want that to happen to me. I don't think I'm going to those union meetings any more. I don't think I'm going to sign that union card, because I can't afford to lose my job." That's what you want. And when you add on top of that all these other changes I've pointed out, incrementally, step by step, union-busting by stealth, you change the climate in workplaces in Ontario, and that's what you want.

I have five minutes left. I want now to end, as I said I would at the outset, by painting a bit of a picture of where we were and where we are, in terms of your

changes to the labour law, this self-proclaimed "best thing that could happen to working people" government. And this is not exhaustive by a long shot. Under Bill 40, the NDP, for the first time in the history of Ontario, said that scabs were illegal, that they were tantamount to union-busting and were banned in Ontario. By the way, this government says that was a job-killing bill. I want to point out that in 1994 in the industrial sector of our economy we had the greatest, highest investment in new machinery and new technology in the history of Ontario, and that was a full year after our bill came into effect. It didn't eliminate jobs; it gave workers rights.

You eliminated that under Bill 7. But under Bill 7 you went further, which we tried to tell the media but they wouldn't listen. They said it was only about the Bill 40 issues; it wasn't. In that bill you eliminated the right of public sector workers to have the same rights as every other worker, and that is that if your workplace is taken over by some other employer, they have to take the contract with them. You eliminated that for the sole purpose of privatizing public services in Ontario, selling those services to your corporate pals; the same corporate pals, by the way, that contributed \$12 million to your party's coffers after you changed unilaterally the election funding laws that allowed corporations to contribute 50% more than they did, after you changed the election laws themselves, where you changed the rules of how we have elections in this province, and for the first time ever there was not all-party agreement. You did it unilaterally.

1920

That's my point. These things all add up, and they add up to a very different world than the one we had in 1995 in terms of rights for workers.

In 1996, Bill 49, your last attack on the Employment Standards Act, which of course is the bare minimum laws that people who don't have benefit of a union are entitled to. You're lowering that. We know there are more rights being lost when you dropped down that legislation: a 60-hour workweek; all but eliminating overtime; you can't take your vacation in one-block chunks any longer, and it can be taken one day at a time; all the work 12 days straight without a day off. Those are the changes you're going to make for those people who feel they don't need a union, often the most vulnerable, making minimum wage, which you also haven't increased in five years—and you want to give yourselves a 42% or 44% increase. But nothing for people earning minimum wage.

You eliminated the wage protection plan in Bill 49. What did that do? What was the radical thought behind that? That was that if an employer went bankrupt and you were owed wages and vacation money and severance money, there was a fund in the province of Ontario that would pay the money to you because you as a worker need that money to pay your mortgage and put food on the table. The strength and power and clout of the government of Ontario would be used to go after the employer to pay the money. That's what we did. Those are rights that workers had. You took them away. Now if there is a bankruptcy and you're owed wages or vacation

or severance, you go to the end of the line, after the banks, after the other major creditors. You go to the end of the line. You don't get a dime. You don't get a dime unless there is money left over after everyone else is paid. Under our law, the workers got taken care of separately, as a priority. That's the way it ought to be.

What else? Bill 99. My. Oh, Jeez. Bill 99, where you went after injured workers. The minister stands up and brags about the fact you've lowered premiums to your corporate friends—the same crowd that gave you \$12 million. Yeah, you lowered their premiums to WCB and made them very happy. You paid for it on the backs of injured workers. Injured workers now get 5% less than they used to before you brought in that law, and you think that's fair. You used to talk about—you still do—the unfunded liability. That is not taxpayer money. The employers owe that money. Shameful. Disgusting.

Step by step. Step by step, you make all these changes. I don't have time to list all of them. I may get another chance under my responses. But this bill is yet one more piece in this government's picture of a province that denies working people the fundamental rights that they're entitled to, and therefore it's wrong and ought to be opposed.

The Acting Speaker: Further debate?

Mr Doug Galt (Northumberland): I think it's interesting that the member from Hamilton West talked so much about rights of workers and something by stealth is being taken away. He's very, very dramatic here in his presentation, sometimes screaming, sometimes whispering. But I stand here and I have to ask him, the rights of workers—in this legislation, they get the right to know where their money is being spent. The wealthy union leaders making over \$100,000: they'll know how many there are and which ones are making those kinds of dollars.

Here we have the rights of workers. Do you think they should be informed? This helps to keep them better informed. There are requirements in this bill to better inform them. There is also the opportunity to change a union. No longer are they going to have to be a monopoly. They have an opportunity to decertify. That doesn't mean there's no union. That means they might bring in a union that's more responsible than the one they presently have. Those are the kinds of rights the workers will have. It will be more stable in the workplace. I think that's a right that a worker will have because of this bill.

They will also have more rights on that first contract. They'll also have the opportunity to vote on whether it's a strike, whether to accept a contract or to continue negotiating. But shouldn't they have a right to vote on a strike? Why vote about their demands six months ahead and then find themselves out on the street walking the picket line? I believe those are the kinds of rights that should be there.

I heard so much about this step by step, things happening, being taken away. This is step by step improving democracy for the workers. What isn't in this bill is the social contract that your government brought in, breaking absolutely every collective agreement that was in the

province of Ontario in the public service. That's what your government did.

The Acting Speaker: Comments and questions?

Mr David Caplan (Don Valley East): I'd like to congratulate the member from Hamilton West for his comments. To the member from Northumberland, don't forget, sir—through you, Speaker, of course—that Mike Harris and the Conservatives supported the social contract. So please don't play holier than thou with this House, because the truth is quite the opposite.

I would say to the member from Hamilton West that he made some very good points. What I would like him perhaps to comment on is that unions have made sure that things like workplace safety, which is critically important to competitiveness, which is critically important to the health and well-being of the population of Ontario—unions have been at the forefront of making sure that we have proper standards for workplace health and safety. Why we want to decertify unions, a group of people who care about the fact that we have safe workplaces, it really doesn't make a lot of sense to me. Perhaps the member from Hamilton West will want to talk about that.

Our standard of living: we can have a lot of philosophical arguments, but I think everyone would recognize that unions are by and large responsible for raising the standard of living for everybody, by having good wages, by making sure that communities are livable. Maybe the member from Hamilton West will want to talk about that, because I know he touched on a number of different areas, but he certainly didn't mention that one.

I think perhaps the member from Hamilton West would also want to recognize that unions are very democratic bodies, and to be lectured by the Harris government—which, as you know, introduces time allocation motions, closure motions, closes down debates, doesn't really go out and consult with the people the legislation is going to be affecting—to be lectured by this government about democracy is, frankly, gratuitous and insulting. I hope the member from Hamilton West will want to talk a little bit about that. I, for one, did appreciate his comments. I can tell you that Dalton McGuinty and the Ontario Liberal Party will be opposing this legislation.

The Acting Speaker: Comments and questions?

Mr Gill: I'm going to reiterate what the minister said yesterday. He said that the best thing that happened to workers in Ontario was the Mike Harris government's job creation policies, tax cut policies, giving money back to the people who are the rightful owners of that money, because they know how to spend it. That, in turn, increases the employment prospects for the workers. That really, let me reiterate, is the best thing that happened to the workers in Ontario. That's why Ontario is the best place to live, work and raise your family.

The other day, I saw this beautiful bumper sticker on a car. It said, "I fight poverty." The second line said, "I go to work." I'm going back to what I just said. We, as a government, have created more jobs with the help of the citizens of Ontario, the good workers and the good employers, and the economy is booming. Employers are

complaining. They're complaining that there are not enough good workers. So we're looking for more workers. We're giving them more opportunities to better themselves.

The member from Hamilton West talked about a company called Stelco. I had the pleasure of working for Stelco as an engineer. It's a fine company. Right next door, there is Dofasco. Like the member said, they are non-union. They take great pride in being non-union. There is the democracy. It's the people's right to choose. I'm sure there have been many drives even at Dofasco to form unions, but they rejected it and that's fine. That's the kind of democracy we want to provide to the workers, where they can choose; they can have the right to be certified, decertified, whatever. They should know what their rights are.

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Mr Chudleigh: It's interesting. As the Minister for Labour pointed out in his opening comments, this bill is about fairness: fairness to union workers, fairness to non-union workers, fairness to employees in Ontario.

Non-union workers at this point in time may not know how to change unions, may not know how to decertify a union or, indeed, how to certify a union. This bill is a sunshine law. It throws light on it. It requires information to flow from the unions, from the employer, from the government, to inform employees how to do these kinds of things.

It's about equity. When we look at the construction industry, about 81% of the workers in Ontario who work in the construction business currently are non-union and yet they are excluded in many parts of Ontario from working on municipal or school board projects. That's not fair. This bill doesn't suggest that they have to contract with non-union employees or they have to contract with union employees; it's saying that you cannot discriminate between the two.

Listening to the member's comments, he talks about the rights of workers. He talks as if they are the only party in the province that talks about workers. When they were in power, they lost 10,000 jobs in the province of Ontario and, yes, there was a recession, a major recession in Canada, but even with that recession there were 400,000 jobs created in the rest of Canada. Ontario, minus 10,000; the rest of Canada, plus 400,000. Something was wrong. Maybe you're not the party of the workers; maybe we're the party of the workers. We're the one who created 800,000 new jobs in Ontario.

The Acting Speaker: The member's time as expired. The member for Hamilton West has two minutes to respond.

Mr Gill: Your turn.

Mr Christopherson: Yes, my turn. Let me thank my colleagues from Northumberland, Don Valley East, Bramalea-Gore-Malton-Springdale and Halton.

This last bit, of course, is nothing less than tell the biggest lie you can and tell it over and over.

Interjections.

Mr Christopherson: I withdraw.

Mr Chudleigh: I win.

Mr Christopherson: No, you don't win. You're still a liar. I withdraw.

Listen, the fact of the matter is that you did exactly what I said you would do. Exactly what I said. The member for Northumberland got up and talked about wealthy union leaders. He doesn't want to talk to us though about how much extra money Mike Harris would have got from the 44% increase he wanted to give you and himself. And, in terms of income, how much money does Mike Harris get from the Progressive Conservative slush fund? How much extra money is going to him? Don't talk to me about sunshine and fairness. This is all about stereotyping and putting labels on people.

The member for Halton—

Interjections.

The Acting Speaker: Order. I'll restore your time. Just trust me. There are people hollering back and forth. I won't allow it. Trust me.

The member for Hamilton West has about a minute.

Mr Christopherson: The member for Halton likes to talk about sunshine and light. Let me tell you, you didn't address the issue of why you aren't posting how to join a union in non-union places. You didn't touch that one. In terms of fairness, it seems to me that if you want to be reasonable and fair and sunshine information, if that's your argument, then I think it's reasonable for anybody watching this to expect that you would do the same thing in the non-union workplaces.

Mr Chudleigh: Absolutely.

Mr Christopherson: I just heard him now say, "Absolutely." I guess I win.

Further to your issue about job losses, let me just remind you that we were going through the implementation of your cousin Brian Mulroney's free trade agreement that sent hundreds of thousands of decent union-paying jobs south of the border, and Mulroney's high interest rate—and you guys know this—here in Canada gave us a deeper, longer recession than any other country in the world. We have no lessons to learn from you in terms of taking care of working people, families and communities.

Interjections.

The Acting Speaker: Order. Some in the House have the idea that you can just holler out. I don't know where you got the idea. Let me assure you that if it continues, I'll name you. I don't subscribe to the philosophy that you give a person a last chance. If you think you need to be warned a last time, then please consider this to be it. We will have order and decorum here. It's your instructions to me that I enforce, and I take my responsibilities seriously. Further debate?

Mr Galt: It's certainly entertaining. Some of the last couple of minute hits there—very interesting. I think the member from Hamilton West was having a little difficulty handling what was being told to him as the truth.

It's amazing that out on the west coast they were doing very well in the early 1990s. A lot of the other provinces were doing very well, thank you very much. Thank heavens for free trade. Look at the amount of exports from this country. Look at the number of jobs

that are being created just because of that. Yes, I know it's very controversial. Yes, I know it's difficult for the agricultural community, but for the country as a whole, thank heavens they stuck out for that.

I know it's awfully hard for the member from Hamilton West to understand that, but when did the Canadian west coast—and we could call it the “left coast”—go behind? It was after the socialist government got elected out there. They were doing very well up until then. What's going on in other parts of Canada? I think you can measure it to what has happened in Ontario. The Americans were doing very well in the early 1990s with a little recession in the first part of the decade, but the government of the day in this province drove us into a very massive recession. Some might call it more than that, might give other terms to it, but let's just call it a massive recession, which was most unfortunate.

I heard this hour-long lecture from the member for Hamilton West. He was in cabinet, I believe, when they brought in the social contract, the social contract that broke every collective agreement: the public service, teachers, police. Name an organization in the public service, and they broke the contract. And he's standing up talking for workers, talking about this bill, Bill 139, the sunshine law to bring more information to the worker, and he's against it. But he was for taking a 5% cut and breaking every collective agreement in Ontario and he voted for it. I take for granted that he voted for it and also for the Rae days and all the rest of the things that went with it. Now he's opposed to Bill 139.

I was interested in the comments from the member for Don Valley East supporting the NDP and their Rae days and their social contract. I had no idea the Liberals were supporting that. I don't know what his leader would think of him standing up here supporting what the NDP government of the day did. I doubt the Liberals voted in favour of it, but obviously from his comments he's in favour of it. I would expect he works with the team. He seems to vote with the team. Whenever the team gets up, he gets up.

The best thing that has ever happened for the workers of the province of Ontario has been a Harris government. I know the member from Hamilton West has quite a time—but I can tell you there are 800,000 workers out there who weren't working five years ago, and they're pretty happy that they now have a job. There are a lot of other workers who are happy out there because there's more stability in the workplace and their job is going to continue. They're not worried from one day to the next: will they have a contract; will they be able to export anything; will they be able to produce some of the widgets that their company makes. There has been a quite a turnaround. I can assure the member for Hamilton West that the Harris government has been good for the workers right across this province.

1940

Mr Christopherson: What a load of crap.

Mr Galt: We were committed to 725,000 net new jobs by the end of five years. We were wrong; we went way over that, which is a nice way to be wrong. We're

now headed in the next five years for another 825,000 net new jobs.

I hear members from the Liberal Party every once in a while getting up and talking about gridlock on our highways coming into this great city of Toronto. Why is there gridlock? I can tell you that back in 1995 there was no gridlock. I had no problem driving in on the Don Valley or the Gardiner. It was wide open at any time. There was no such thing as rush hour. Now there's rush hour.

Mr Christopherson: Talk about workers' rights, Doug.

Mr Galt: To have workers' rights, first they have to be working, and there were 800,000 of them who weren't working in—

Interjection.

The Acting Speaker: Order. I would like to remind the member that in the House we don't say, “That's a bunch of crap”; we say, “I don't agree with that.” And we don't say it—

Mr Christopherson: I don't agree with that.

The Acting Speaker: In any case, we don't say it loud enough that I can hear it. The Chair recognizes the member for Northumberland.

Mr Galt: Thank you, Mr Speaker, for bringing some decorum to the House once again.

I did want to spend quite a bit of time on this sunshine law, Bill 139. I was getting a little carried away with some of the things I'd heard earlier, and I wanted to make some references to them, but there's no question in my mind that the best thing that's happened to workers has been a Harris government, and the country is moving ahead. You can see the things that are being purchased for kids for Christmas, for example. People are able to celebrate. They're able to travel. They're able to buy things—some 800,000, not to mention the over half a million people who are now off welfare. The welfare rolls were just skyrocketing during their term.

This is a promise we made in our Blueprint. We're certainly following forward with this promise to institute a balanced, straightforward and no-nonsense plan for Ontario's future. We do have real, genuine concerns with serving the ordinary worker. That's what this bill is about, serving the ordinary worker. The member across the House is more concerned about the union leaders and the executive and where his money comes from for his party than he's concerned about the average worker.

We're concerned about some of the barriers that exist that restrict workplace democracy and hinder our business environment here in Ontario. That's one of the reasons a bill like this is coming in. It's being brought in because we want more openness and more fairness in the workplace. We want to see a more level playing field, as we were discussing back in Bill 69, a level playing field between labour and management and not have it lopsided in one direction. Both unions and employers are disadvantaged by the current situation that we've been living with here in Ontario. We simply wanted to work out a deal that can benefit both the employees, as well as the employer.

I have to say to the Liberal members across the aisle, have a heart and stand up for those on the front lines in our province's economy, those people who are out there, the everyday worker who is bringing home a paycheque to support the family. Stand up and recognize them and work for them. My good colleague from Bramalea-Gore-Malton-Springdale, who sits right beside me here in the Legislature, said it so well: "The time has come for Dalton McGuinty and his Liberal caucus to join with us and stand up for all of Ontario's workforce by bringing sunshine into the workplace."

It's very obvious from the previous person who was making a presentation, the member for Hamilton West, that they don't want sunshine brought in. They don't want light brought in. They don't want information brought in. Keep the worker in the dark, keep him paying his \$1,000-a-year union dues and then they're happy because the executive is enriched and big dollars flow from the unions through to the NDP so they can campaign in the next election.

The Minister of Labour has said that union members pay dues and deserve to know where their money is being spent. Everybody deserves to know where their money is being spent. Consequently, we're in here with the disclosure of those who make over \$100,000 as executives. That will be disclosed along with the benefits. That, to me, is only fair.

I remember when, as a private member's bill, our good friend from Scarborough East brought this particular bill in. I certainly encouraged him at the time to bring it forward. This is public information. It's a right for the workers to know where their dollars are going.

Similarly, it's for us to let the taxpayers know where their tax dollars are going. That's something that has been very difficult for them in the past to get a handle on, particularly when the last government kept two sets of books. I'm not sure what the second set was for, but certainly the deficit and the debt were very different in those two sets of books. That isn't being fair with the public at all.

We've heard so much on the misuse of funds, the HRDC boondoggle in Ottawa, the billions and billions of dollars that the Liberals just dumped freely, Calamity Jane overseeing it. That is the kind of thing that shouldn't be happening. I don't want to spend a lot of time on mismanagement from Ottawa. I want to talk about the good things that are happening here in the province of Ontario and what our government is doing. Our hard-working Ontarians have a right to know where their hard-earned union dues are indeed going. If this bill is passed, we'll have plenty of openness and accountability in the workplace, and that's a lot of what this bill is about.

The Minister of Labour has said that unionized employees deserve greater opportunity to decide whether they want to continue being represented by a union. This obviously fits into our no-nonsense plan for Ontario's future. It has been said that in a democracy your right to swing your fist ends at the tip of my nose, and sometimes we tend to forget just where that distance is, but it's so true in a democratic country.

What I'm hearing about union rights and union dues brings to mind what was happening a few years ago with a very well-known cable company. They added extra channels and then they automatically charged you, and you didn't ask for it. You automatically got billed more for something you didn't want. It's sort of like getting a job. You go to work for a company. You didn't ask to belong to the union, but you have no choice. What kind of country is it where you have no choice? Is the union so concerned that you have to be forced to join it? Is the organization that weak, that people won't join something that's worthwhile? There are all kinds of lobby groups and organizations for various professional groups. It's not a requirement to belong to them, unless it's a college that's self-disciplined. This is unreal. The best comparison I can come up with is this well-known cable company that put out extra channels and then what did they do? They charged for them and made it a requirement. You remember, I'm sure, how the people got so upset. Those customers were incensed, and rightly so, and so should union workers be, the way they're being compelled to belong to a union.

Our government is coming to the rescue and making it mandatory for neutral, factual information on decertification to be posted in every unionized workplace here in the province of Ontario.

Also, this bill proposes to extend the open period for decertification of a union from 60 days to 90 days at the end of a collective agreement. You get pretty excited as you get near the end of an agreement, and 60 days is pretty short. We're only increasing it by another 30 days. I could follow the criticism if they criticized us for not extending it more than that, but at least we're increasing it by another 30 days, and it gives those employees just that much more opportunity to review the organization and what that organization is doing for them or not doing for those union dues.

When it's payroll deduction, it's sort of gone before you get it. I can just imagine if those union members had to write out a cheque and send it to the union. I expect it would be a very different kind of union member than when it's just taken out of your cheque. The member for Hamilton West was talking about the stealth of what the government—he was trying to use it on us. That is stealth by sneaking it out of their paycheque before they get to see it. I think it would be very different if they had to write a cheque once a month and send it off to their union hall.

1950

Also, this bill will create the balance that is needed in the workplace. We propose a one-year cooling-off period between failed certification drives. This will add to workplace stability, thereby increasing productivity. It's certainly not fair for an employer to have to go through all these difficult periods where a union follows all the steps, sets up everything, and then withdraws at the last minute. It's sort of like going to court and then just at the last minute you pull out, after the defendant has gone to all the work of putting together the package. This is what

happens here. We're saying in this bill that there must be a 12-month period which unions must wait before they organize something again. Certainly this will bring more peace and harmony in the workplace, not only for the unions and for the employer and for the contractor, but also for the employees. This is what it's all about: employees' rights.

We're committed to making Ontario a competitive place for future investment. Wow, just look at what has been going on in Ontario over the last five years. If our workplaces are being disrupted all the time, how can we get that kind of thing done? I support the cooling-off period between the failed certification drives.

With the five minutes I have left, I thought the member for Hamilton West would be interested in some of the quotes from the *Hamilton Spectator* of November 11 of this year, just last Saturday. Some of it says, "Mike Harris has proposed, among other changes, to require all companies to post a bulletin explaining how workers can decertify their union. Up until now, any application to decertify a union had to take place within the last 60 days of the current collective agreement. That period will be extended ... to 90 days," and so on. When you think about it, all that is happening is that the workers unsatisfied with their union are being empowered by the necessary information to take action. The rules have always been that—workers often did not know that they existed. A sunshine law is really what Ed Canning is talking about here: giving more information to the worker. He's very supportive of this legislation. This is an editorial written in the *Hamilton Spectator*, the member for Hamilton West's main newspaper. They certainly don't support his position.

It goes on: "In my view, these changes are more likely to make the union movement a healthier one." Why on earth would the member for Hamilton West be opposed to making the union a more healthy organization? It's hard to understand. "Union executives will have to be more responsive to their members and their needs." Is there something wrong with having the executive more responsive? I don't think so. "The threat of decertification will be more real." Certainly. "In effect, unions will be made more accountable to their members." That's a hallmark of our government, accountability: accountability in education, accountability in health, accountability in environment, and now accountability in the workplace. It's something I know the workers are going to appreciate. "A union may be decertified, simply to be replaced by a more responsive union." It's not necessarily going to have no union. In the past, it essentially has been a monopoly by whatever union happened to get in there first. Now there will be a little competition between unions, and that should sharpen up all of the unions to work just a little bit better.

This goes on to say, "Another change proposed by Mike Harris ... the first collective agreement, the members have to be asked to vote separately on whether they accept or reject the initial contract and whether they in fact want to go on strike as a result." I think that's so fair.

We've had so many people out on the strike line, forced, coerced, whatever you want to call it, out on that picket line when they really didn't want to be there. They were being cajoled by their fellow strikers to get out there and do their thing. Now they have a chance to vote on the strike just before rather than six months ahead, when they're voting on some of the issues. Again, this appears very democratic. That comes from Ed Canning, right from the *Hamilton Spectator*.

"It is quite possible that the workers may want to reject the first contract but let negotiations continue before they actually take strike action. Why should they not be allowed to vote separately on these issues?" Again, what he's saying here makes so much sense, just as the bill makes so much sense. Why does it have to be an all-or-nothing vote? Going on strike can be financially devastating for workers, hard on workers. Why should they want to leave such an important decision to their union executive? If workers want to go on strike—and remember, they are the ones who are going to go without a paycheque during the strike—then that's their decision and that's certainly what this bill is going to recognize.

In conclusion, I'm certainly proud to say that, unlike previous governments, we're not just eddying about and enjoying our prosperity. We are working to strengthen workers' rights, increase democracy in the workplace and enhance investment. That's something we've talked about—job creation—that's the reason for the reduction of taxes in the past, to stimulate the economy and get more people back to work. We have more people back to work than we ever expected.

Like our first prime minister, who had the right colour, by the way, encouraged his associates at that time to look ahead for Canada, we're making significant changes that look ahead for the future of this great province of Ontario. This bill, along with many other policies, will indeed contribute to the stimulation, the economic growth and ensure our prosperity continues for years to come in this great province of Ontario.

The Acting Speaker: Comments and questions?

Mr Caplan: I want to start my comments by saying how much I regret having to listen to the comments of the speaker from Northumberland. I would like to apologize to all the people who are here tonight, all the people who happen to be watching this, because the information that was presented was so grossly distorted, such factually incorrect information, it is beyond belief. I really think the member should be ashamed of himself for standing in his place and saying some of the things that he did.

This legislation is simply about trying to get rid of unions. That's really what it's about. It's not enhancing workers' rights or standing up for workers. It's trying to get rid of unions.

It's a basic question of fairness. If on the one hand you believe it's important to post how you can decertify a union in a union workshop, why wouldn't you post how to certify a union in a non-union workshop? Why wouldn't that be a proposal of the government? That is simply fair.

If it's important for members of unions to have all of this sunshine and knowledge about things that are going on, why would it not be similar for the Harris government or for the people of Ontario or for shareholders or employees of corporations to know what is going on within those spheres? You certainly don't see the same kind of standard being applied to members of the Harris government, to the cabinet or to any of the backbench members, nor to any of their supporters in the corporate sector.

I think it really speaks very ill of this government and the direction they're moving in that it is so one-sided. It is so unbalanced, it is so mean-spirited to try to target one particular sector and not apply an evenness and a fairness and a balance that Ontario Liberals believe need to be applied in Ontario. So I want to end my comments: to the public of Ontario, I apologize for what you had to listen to for the last 20 minutes.

Mr Gill: I think the member is right in apologizing, because it is their federal cousins who come in and say they are going to abolish the GST and they're going to tear up the NAFTA agreement. Certainly he should be apologizing for all of them.

It is a pleasure to take part once again in this democratic process of talking about the Labour Relations Act amendment. The member for Northumberland spoke so eloquently because he certainly has been in the business world and he knows what he's talking about. The member Don Valley East spoke about it.

It is true that what is happening in this law is the sunshine clause, "sunshine" being, "Bring in the information. Give the information so that people can make good decisions."

As the member for Don Valley East may or may not know—I think it was before his time—there was a similar law brought out where public service employees who get more than \$100,000 are disclosed on an annual basis. I'm sure many of you have read about it in the newspapers. So this bill, when we talk about union leaders having to disclose annually how much money they are making, is no different. It is really bringing democracy into the workplace.

I had an experience a number of years ago—it goes back to about 25 years ago—where I went for an interview at a job and I had to cross a picket line. After I started working there, within a year the union, I guess just like Dofasco, found out that the workers didn't want a union and they went ahead and decertified it. If they had known earlier, they might have wanted to do it earlier. I don't know. But I think the workers should have the right, should have the knowledge—

The Acting Speaker: Your time has expired. Comments and questions?

2000

Mr Steve Peters (Elgin-Middlesex-London): The comments from the member of Northumberland: If you walked out in front of this Legislature today and looked at the monument of Sir John A. Macdonald, the first Prime Minister of this great country of ours—I think one

of the things when you made that reference to him is very true. What you're doing and what this government is doing is taking labour in this province back to the 19th century. I think Sir John A. Macdonald was a man of vision who wanted to build a great country, a country that was a place for everyone to live in where everybody was treated equally. What your government is doing, though, is turning back that clock, turning those pages of history back in time.

This government is determined and bent on attacking so many individuals in this province. We've seen nothing but attacks and warfare out of the government and out of the legislation since they were elected in 1995. I think it's a sad day. How can you stand up as a Conservative and make reference to Sir John A. Macdonald in the fashion that you did? Sir John A. Macdonald would be turning in his grave if he saw the disservice that you're doing to individuals in this province.

There are so many aspects, and I'll be speaking later to this legislation and I'll comment on that, but one area you love to talk about is disclosure and salary disclosures. I think what you fail to recognize as a government is that the majority of union constitutions that exist in this province already have a form of salary disclosure in them. You're making such a big deal out of something that already exists within the constitutions of unions in this province. This is another attack and it's something that has to come to an end. Dalton McGuinty and the Liberals are going to stand up and fight this government.

Mr Christopherson: First of all, let me just say to the parliamentary assistant: why am I not the least bit surprised that you have a history of crossing picket lines? The member from Northumberland talks about information but, as I suspected, at no point did he deal—unless I missed it; I was making a phone call. I didn't hear you deal with the issue of why it's OK, in terms of the philosophy of "provide information," to provide information on how to get rid of the union only in workplaces where there is a union, but you don't provide in this law the requirement to post information about how you get a union where there isn't one. You didn't touch that. I would really appreciate it if you would give me your rationale, and you can lean over and ask the parliamentary assistant if you want. That's fine. Or somebody can send you a note. I see you now asking the parliamentary assistant, "Please give me an answer because I think he's given me a really tough question."

But you know, you set the standard. Your minister said that this is about fairness and reasonableness. I'm saying to you, notwithstanding what I think you're up to here, why don't you think it's fair and reasonable—and please don't tell me it's because unions are out organizing. That is not an answer. If it's information, if it's choice, if it's fairness, if it's about transparency of process, and it's good enough to put the rules in the workplace where there is a union on how to get rid of the union, then I believe it makes eminent good sense that you should include in this bill a requirement to put on the bulletin boards how you bring in a union if you choose

freely and democratically to bring one in. Why isn't that element of reasonableness and fairness contained in this bill?

The Speaker (Hon Gary Carr): Responses?

Mr Galt: I'd certainly thank the members from Don Valley East, Elgin-Middlesex-London and Hamilton West for their responses, and particularly the brilliant comments made by the member from Bramalea-Gore-Malton-Springdale. I was really quite touched by those.

If I could respond for a moment to the member from Elgin-Middlesex-London, who was saying Sir John A. Macdonald might just roll over in his grave, and he had great concerns about a Conservative. It's good to hear a Liberal having some concerns for a Conservative, but I have good reason to believe that I'm probably on track, because his Minister of Finance was Sir Alexander Galt, and I'm sure that he would have supported my views as well. At that time, he was looking ahead for Canada, just as the Harris government is looking ahead for the province of Ontario.

I heard a lot from the member from Don Valley East, muttering something about decertifying unions and what's fair. I can't think of anything more fair than to provide them with the opportunity to investigate and know what's serving them for their \$500 to \$1,000 than to put that before them and give them a few extra days prior to the end of a union contract, a collective agreement contract.

I heard the member for Hamilton West complaining about providing information that's all one-sided. Sir, in the past there was no lack of information, no lack of opportunity for unions to organize. The information was all one-sided in the past. Sir, what is happening is that it is now a level playing field, with information for both sides, because it certainly was not a level playing field in the past.

Mr Christopherson: Oh, come on. Is that the best you can do?

Mr Galt: The member from Hamilton West yells out, "Is that the best you can do?" I can tell you that they did not have that kind of information in the past, how to get out of the unions. Now they do have that kind of information.

Mr Christopherson: If it's good for the goose, it's good for the gander. Who said that?

Mr Galt: It's very obvious from what you're calling out that you're not concerned about the workers, you are concerned about the big salaries of the executive leaders of the unions and the money that will be transferred to your party for the next campaign and the next election.

The Speaker: Further debate.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm pleased to have an opportunity tonight to speak to the second reading of Bill 139, An Act to amend the Labour Relations Act, 1995, standing in the name of our friend, the Minister of Labour.

Like a number of my colleagues on this side of the aisle, I have some very serious concerns and reservations about the legislation—not because I don't understand,

particularly in the construction industry, the need to make some adjustments to take into account, among other things, regional variations in a large provincial economy such as ours. But, as has been indicated by previous speakers, most of whom know more about the business of labour relations from personal experience than I, the real concern that I have about Bill 139 is the lack of balance and fairness.

I was struck a moment ago by the banter between the member from Northumberland and the member from St Thomas about Sir John A. Macdonald. I was chuckling to myself because I thought, first of all, Macdonald was a moderate Conservative. He was not like some of the people he took the leadership of his party from: the "high" Tories, as they were called, Sir Allan MacNab of Dundurn Castle, who had a very tough unilateral line on most things, not the least of which was the importance of capital over labour. One person who wasn't mentioned in that little discussion was George Brown. The current government would probably embrace the labour relations attitude of the then leader of the Liberal Party, who also has a big statue out on the lawn, George Brown, famous publisher of the *Toronto Globe*, who you may or may not know was killed by a very unhappy employee at the *Globe* in 1880 I think it was.

The point about Sir John A. Macdonald, it seems to me, is that he was a moderate, pragmatic man. A Conservative to be sure, but he was a man most often of the centre. From my experience in this Legislature, I well remember people like Tim Armstrong, the long-time Deputy Minister of Labour in Ontario in the 1970s and 1980s, counselling many members of this Legislature, not just in the government, not just in the government caucus, but in the Legislature generally, about the importance of fairness and balance in trying to mediate the inherent tension between the interests of labour and the interests of capital. I repeat, my fundamental concern about Bill 139 is that I honestly believe that it fails to meet that test of fairness and balance.

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I am again quick to admit there are issues that undoubtedly need redress. I can appreciate that provision in Bill 139 that seeks to withdraw municipalities and school boards, which are not themselves in the business of providing construction services, from the sanctions of the Labour Relations Act. I understand that there are adjustments that need to be made.

Let me take for a moment the issue about disclosure of \$100,000 salaries. Any fair-minded person would have to ask themselves, "Is that not provocative?" Are we here to suggest that executives in the labour movement should not be paid a reasonable executive salary? I don't think there is anyone here who is going to suggest that someone leading a large trade union ought not to be paid an executive salary. In 1999 or 2000, to be sure, if the president of the Ford Motor Co is being paid a seven-digit figure, I don't think we should be surprised that the head of the local union at Oshawa or Talbotville might in fact be paid a six-digit salary. I would suggest that that

section of Bill 139, the so-called sunshine provision, is clearly provocative, and I suspect that it will have the desired effect. You're really going to annoy and provoke the other side.

I listened to the arguments here, and not just on this bill. This week we've been treated to a morality lecture from the Minister of Community and Social Services about the first order of importance of drug testing social assistance recipients. Again, you ask yourself, "Is that fair?" I said during the last election campaign that I'm prepared to support that kind of policy if we amend it to say, "Let's also commit to drug testing members of the Legislature, judges, police chiefs," and some other categories of individuals who draw a salary from the public purse. If we're prepared to do that, then I'm prepared to endorse drug testing social assistance recipients. But I have to say to the House, if we're only interested in drug testing social assistance recipients, I tell you that a jury of fair-minded men and women will almost certainly see that as scapegoating the poor. I remember something in church of the injunction, "Whatever you do unto the least of my brethren." Remember that? You don't have to be Charles Atlas to beat up on poor people.

Back to the issue at hand about Bill 139. I was struck again today, because I am simmering in my resentment and my rage about what we as a Legislature, to say nothing of what we as a government, are not saying and not doing about abuse on other streets in our economic marketplace. I ask you to look at the front page of today's Report on Business in the Globe and Mail. What does the headline scream? "Trading Scandal Hits Nesbitt." I'm not going to bore you with all of the details, but we are now told yet again—you will remember the scandal at RT Capital Management, the investment arm of the Royal Bank, where they fessed up to breaking to breaking the law, stealing money from innocent investors, manipulating in ways that were not proper or legal. We have it again today. We have the investment arm of the Bank of Montreal, one of the pillars of Canadian capitalism, being held up to a spotlight that is very embarrassing. I can tell you, the allegations being made against the futures traders at Nesbitt Burns—and I can bet they all earn \$100,000 or more—are quite revealing. These people have already been fined, by the Montreal Stock Exchange, something like \$150,000 for bad behaviour. What was it that RT Capital Management agreed to being fined? I think it was in the millions. Wasn't it three million bucks?

My question to this Legislature and to the government is, are we going to play fair? Where is the bill to go after the bad boys and girls at the Bank of Montreal and the Royal Bank? Let me say, first and foremost, since my sister works at the Royal Bank, that I believe the overwhelming majority of men and women who work at the Bank of Montreal and at Nesbitt Burns are honest people, but there are bad people doing bad things that are impairing the economic and, for all we know, the social well-being of innocent third parties. It screams at us

almost daily. Is there a peep out of this Legislature? Is there a move from the government to go after those people, most of whom are earning seven-digit salaries or probably salaries well into the \$200,000, \$300,000, \$400,000 range? I ask rhetorically, where's the bill? Where's the complaint? Nowhere. Nothing.

This baloney, this crap about who gave what to whose campaign, do you think the public out there in Pembroke or Petrolia, in Toronto or Timmins, can't see through this? If the political class has a problem, it's because some of the, to quote Irving Layton, "nauseous crapperoo" of this kind of debate is so easily detected by fair-minded people, who look at this and say, "Who do they think they're kidding?" The public expects us to be fair. When I see a disclosure provision for union leaderships and I see nothing about the kinds of complaints I have, and I suspect many others do, that nothing is being done about it, I ask myself, what am I to make of that?

I don't want to be too judgmental tonight, but I just want to register that complaint. It makes me want to laugh to hear the previous speaker, the member for Northumberland, talking about these union leaders as though they were some kind of exceptions to executive salaries. Again, you want to tell the world how much these people make. I remember Frank Miller, 15 years ago, wanting to shine the light of public accountability on university presidents, and I agreed with him. I thought, "Good. Everybody knows what I make, and they should. Some of these bigwigs at the University of Toronto, at Western Ontario and elsewhere, let them join the parade. Let people see how they're compensated." Oh, boy, they didn't want it. Some of them were busy writing me letters about other abuses of the public purse but, boy, "Don't talk about me. I'm upstairs. Worry about downstairs," was often the quiet speech of some people on Bay Street and elsewhere.

I just want to say that if you want to talk about being fair, I'm going to pay a lot more attention to that speech when I see this government and others going after the really big, the really rich and the really powerful. I repeat: in recent weeks and months we have been treated, have we not, to some pretty lurid examples of what's going on down there on Bay Street, or on St James Street in Montreal, and we are doing precious little about it. As I say, if you haven't read today's story, just read how these people behave. Just read it and weep.

As I said earlier, there is a fine and delicate balance in good labour-management relations. The reality is that Ontario today—and I'm quite prepared to give to the current government a measure of credit for the economic activity. I'm not so blindly partisan and so evidently stupid as to not want to say that. It may or may not be true. I know in 1986-87 we took our share of credit for the good times, and we got a damned good kick in the posterior when things went sour. You take the good with the bad. I don't doubt the government's policy in some respects has helped. It is true that the fact that the American economy is entering the 10th year of a record expansion is also a big part of this, but that's not what we're here to talk about tonight.

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What we do know is that Ontario's economy, as we head into the 21st century, is enjoying some of the best expansionary times in the post-Second World War period. We have relative labour peace. We've got a clear challenge in terms of the labour market and the labour force. We have some critical shortages about to hit this economy. I met earlier today with Power Workers' representatives and they are reporting what I'm hearing from other sectors. Their skilled workforce is getting older and they see some difficulties in terms of meeting the demand that is here today and emerging. The construction sector, certainly if I can credit what I'm reading in the *Globe and Mail* and other papers and in my own mail, is facing even more critical shortages. In the Ottawa area, for example, it's no secret we have a very strong and surging economy in the high-tech sector, and engineers, engineering technologists, computer types of all sorts are in very high demand. So what do we want to do? We want to, apparently, upset some of the current calm in labour-management relations. I don't know that that's in our interests in the short term or the long term.

Again, when I look at the provisions of Bill 139, it appears to me—and some of you across the way and some on this side will have sat down and done negotiations in a way that I haven't. You will know it is a give and take. If you've got two sides at a table, you're probably only going to get a lasting and worthwhile settlement if both sides leave that table with a sense that they gave something and got something. When I look at the provisions of Bill 139, by Mr Stockwell's own admission all of the core recommendations are employer requests. What's in here, what was the win, for labour?

It may very well be that some of the real win in here for labour is unorganized labour. I'll tell you, when government starts to play an overly active role in trying to take sides in the organized versus unorganized labour debate, it is probably going to reap a whirlwind that it will regret. The idea, for example, that we're going to make it easier to decertify is quite clear. My friend from Hamilton West makes a very good point. If you want to make plain how you decertify a union, surely the dictate of fairness would suggest you want to also make it easier for people to understand how you might organize. The cooling-off period I can certainly understand from an employer's point of view, but what are we offering the labour unions, the worker group, in return? There may be something here I don't see. Again, when I look at the overall policy, I ask myself, how is this not unbalanced, unfair and provocative? I can't easily find an answer to that question.

Somebody mentioned the name of Brian Mulroney. If we have committee hearings, it might be interesting to get a guy like Mulroney, who did labour-management negotiations 25 and 30 years ago and knows a lot more about labour-management negotiations than most of us in this room.

I think of the history. My grandfather was here in the 1930s. Let me tell you, the gang at Oshawa convinced

the then Premier of Ontario, a predecessor to my friend Mr Peters sitting behind me, Mitch Hepburn, "You've really got to crack down on those labour unions down at Oshawa." The OPP was dispatched. It was a charge called "Hepburn's hussars" and, boy, they cracked heads and they cracked the union. Sixty years later, Ontario Liberals are still paying a price for what seemed to be unreasonable, unbalanced and arbitrary side-taking in that debate.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): Mitch Hepburn fired the labour minister.

Mr Conway: Oh, he didn't fire—well—

Hon Chris Stockwell (Minister of Labour): He became the labour minister.

Mr Conway: And that labour minister I knew well, David Croll, and Croll's famous line. "I was forced to choose," he said. "I could either ride with General Motors or walk with the workers."

I simply say I understand. There have been governments of all stripes in all jurisdictions in Canada who have had the temptation to crack the whip. As a former education minister, I know perfectly well the frustration when you're sitting there and you think one side or the other is being unreasonable. There's a great temptation, because if you're in government, there will be a management bias, unavoidable, to your thinking. I say to the minister who has joined us, I don't know whether he knows Tim Armstrong. I don't whether he's talked to Tim Armstrong. I would be interested to hear Mr Armstrong's submissions on Bill 139.

I will repeat and summarize my argument. When I look at the bill, I see some things that, standing as part of a broader picture, I could understand. I'll say to the minister that the idea that you're giving municipalities and school boards the right to exempt themselves from the provisions of the Labour Relations Act in the construction sector I think is understandable. I understand, as well, how in a big and regionalized province like Ontario you might want to have some regional variation, because let me tell you, Kenora and Timmins are not Toronto or Hamilton. But my problem with the bill is, where's the balance? It appears that it is a very one-sided determination.

The sunshine provision, I said when you were out, is regrettable because it's provocative. Is there anybody around who thinks there is a union leader not earning 100,000 bucks? I say to the Attorney General that I come back to the point that if the president of the Ford Motor Co is going to earn a seven-digit salary, why should we as fair-minded Ontarians complain, or be seen to be complaining or be appearing to complain about a union leader who might be earning \$150,000 or \$200,000?

My point is that fairness and balance are always important. They are critical to good and successful labour-management relations.

A couple of weeks ago I watched a couple of programs on American public television. One of them had to do with John D. Rockefeller. Another one had to

do with the rise of New York City. I'll tell you, in looking at the Rockefeller story, I was reminded of that horror at Ludlow, Colorado, in 1913. If you ever wanted to know why we have unions, all you needed to do was to see the power of capital at work in that situation. I know it was 1913 and it is a different time today, but what we are seeing in the economic marketplace today is an incredible concentration of power in the hands of big, global capital. We seem to think that the individual should stand alone against Wal-Mart or Citicorp.

Again, I think people living in places like the Ottawa Valley or Oakville would say that's not a fair fight. Fairness and balance are absolutely critical. Regrettably, in my view, Bill 139 fails that essential test.

The Speaker: Questions and comments?

Mr Gill: The member from Renfrew-Nipissing-Pembroke spoke on this bill and one of the things that really caught my attention—I want to stress it and I think he's quite right—was that he said there's perhaps not a union leader who's earning less than \$100,000 or perhaps \$150,000. I know there's some other discussion going on at the same time about salaries and who should get what. We are not limiting anybody as to how much salary they should be getting. All we're saying in this case is that the workers should have the right to know what the union leaders are making or where the union money is going. Similarly, as we have said earlier, public sector employees getting more than \$100,000 already have to declare, and people should know.

Previously in the workplace the information flow was lopsided. The unions were going in, lobbying and trying to certify and that's their right; they should do that. But workers had no information provided about how to decertify the union. All we're saying is they should have equal opportunity on both sides. If they're being bombarded with information on how to certify, then they should know what their other rights are. That's all we're saying.

Cooling off period: there have been, in the past, efforts by unions going in and knocking on doors, where one doesn't get certified, backs off and somebody else goes in. That's an unstable workplace. The employers have said that is not conducive to employment, not conducive to work increment. There's always uncertainty whether they should continue to work here or go to work somewhere else. So we are saying there must be a cooling off period. Once a union drive comes in, that's fine, they have the right to do that. If it's not certified, they should back off for a year.

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Mr Caplan: I want to pick up on the comments of the member from Bramalea-Gore-Malton-Springdale. I think he proved the point my colleague from Renfrew was making, which is that this is incredibly unbalanced. Workers are being bombarded by unions for certification? How much of Ontario is unionized, 20% maximum? They are doing a heck of a bad job bombarding workers and certifying them if only 20% of the province is certified.

My friend, please, don't insult anybody's intelligence here. Come on. Basic fairness would demand that if it's OK on the one hand to say, "Here is all the information about how to decertify a union properly," then on the other hand you would fairly want to say, "Here is how to certify a union in a non-union workplace." That's basic fairness. If we're going to have disclosure, fine, let's have it for everybody.

When your colleague the Minister of Community and Social Services stands up and says, "In order to get your cheque from the public purse, only these people must submit to a drug examination, and nobody else,"—no politician who receives their stipend from the public, no judge, no doctor, no nurse, nobody else has to do that—that is basic unfairness. It shows the unbalanced, unfair attitude of the Harris government in this labour legislation my colleague from Renfrew-Nipissing-Pembroke was talking about.

Anything in the labour area that will be conducive to our prosperity will be there to bring labour peace, balance, stability. This kind of provocative behaviour, this kind of attitude to goad, to prod, is only going to create rancour and turmoil. It's going to be this government and all the people of Ontario who are going to bear the price that is going to be paid.

Hon Frank Klees (Minister without Portfolio): I'm pleased to provide some comments on this bill. I've heard considerable debate tonight from members opposite who are suggesting that somehow this government, through bringing this bill forward, is opposed to unions or the concept of unions or is somehow making an attempt to weaken unions. To the contrary, unions get their strength from the workers. This is really all about increasing the democratic rights of workers.

I'm reminded of a comment made by Buzz Hargrove a couple of months ago. It was the first time I could agree with something Buzz Hargrove had to say. Speaker, you probably read it yourself. He was talking about the fact that he supports the right of workers to decide which union they should belong to. I think he's on the right track in that regard. It's all about giving democratic rights to members of unions to decide which union they belong to. We're simply saying that's right.

Let's take it a logical step forward and allow individual members of unions to have a say and to be aware of how they can choose not to be a member of a union, or if they choose to certify, to ensure that the information is clear and is published, and that there is no misunderstanding, that there not be an element of intimidation.

Clearly unions have a role to play in our economy. We just want to ensure that when there is a union, it is conducted in a democratic way, in the best interests of the employees as well as the employers.

I commend the minister for bringing this bill forward.

The Speaker: The member for a response.

Mr Conway: I just want to say a couple of things, first to the member from Bramalea-Gore-Malton-Springdale. His response to the disclosure provision reminds me of the old rule around here: "My question is to the

honourable minister of X. Have you stopped beating your spouse? Have you stopped drinking spirituous liquor?" You can't easily answer that question without some impugnement. There are certain issues that can be put forward in a way that is bound to destabilize and to be provocative. As I say, I don't have a problem as long as it's going to apply with some degree of balance across the region.

I just say again that it's interesting: the last century began with a great worry that there would be one big union. The literature of the early 20th century was obsessed with that notion. It appears that's not going to be the case. What is much more likely is that we're going to have a Wal-Mart, a Citicorp, a Deutsche Bank, a General Motors, a Microsoft. We're going to have relatively few gargantuan global corporations and, apparently, according to the lexicon of the international right wing, Mr and Mrs Citizen are supposed to stand naked and alone against Deutsche Bank and the Toyota Motor Corp and this notion of collective action on the part of working men and women is some kind of dangerous instinct.

I repeat, we have Nesbitt Burns and RT Capital Management, with people earning bagfuls of money, breaking the law, thumbing their nose at government—no bill, no speech, not a genie complaint, as they say in the Ottawa Valley. When I start to hear some complaining from government, when I see a sunshine provision and a good slap on the posterior, maybe, just maybe, I might be more inclined to some of the one-sided provisions of Bill 139.

The Speaker: Further debate?

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's a pleasure to speak on behalf of the constituents of Lambton-Kent-Middlesex on second reading of Bill 139, amendments to the Labour Relations Act. I'll be sharing some of my time with the member from Malton.

First of all, it's always difficult to follow the member from Renfrew-Nipissing-Pembroke because he is so eloquent, but more important, he is a reasonable person. I think he always brings balance into his debate.

I know that Bill 139 deals with many issues such as salary disclosure, decertification changes, vote clarity, non-construction employer, project agreement amendments, and clarification and streamlining of the Labour Relations Act amendments. I'll dwell on a couple of issues tonight. I want to talk about workers' rights, workers' choices and project agreements.

I would like to state that for anyone to think that unions do not play a role I don't think would be fair. Unions have played a role in our economic past and our social past; they will continue to play a role. The role is changing; there is no doubt about it. I want to talk also about flexibility, and I want to talk about mobility and stability.

Before I start, I would like to refer to an article that appeared in the Hamilton Spectator. The title is "Constructive Reforms Urged," and it's written by a gentleman by the name of Ray Pennings. He states:

"The construction industry is a diseased member of the Canadian economic family. The symptoms: lack of cost competitiveness and little worker democracy. Although no single source can be blamed for all the industry's problems, much must be blamed on monopoly craft unionism...."

"Bill 69"—which was introduced a while back—"a compromise which pleased no one.... Most agree that the health of the construction industry requires bold treatment of this entrenched labour relations system."

He also points out that the construction industry in Ontario is a \$50-billion industry.

"Construction workers build and maintain our homes, workplaces, public buildings, and transportation and telecommunications infrastructure.

"One way or another, ordinary folk are the beneficiaries of construction work—and ultimately foot the bill. Improving the health of the construction industry will benefit every Canadian.

"Curing the ills of the Canadian construction industry requires dismantling monopoly craft unionism, promoting a healthy, competitive labour market and giving construction workers meaningful choice over their jobs.

2040

"The construction industry is dominated by 20 international craft unions—one for each of the major trades—most of which have their headquarters in Washington, DC. The IBEW, for example, represents electricians, the UA represents plumbers and pipe fitters and the carpenters union represents carpenters.

"While these unions work independently, they are also organizing through a centralized body known as the Building Trades Council.

"In Canadian labour relations, the system that has evolved, grants unions greater control of skilled labour pools through hiring halls. Workers rely on their union, rather than their employer, for access to work, and a close affinity develops between construction workers and their trade unions."

There is also an article which appeared in the London Free Press written by Rory Leishman. The issue was, I think, September 8. The title of the article is Union Members Should Have More Freedom. It says:

"On Monday, Buzz Hargrove, the militant head of the Canadian Auto Workers, did well to pull his union out of the Labour Day parade in Toronto as a protest against the exploitation of workers by leaders of the Canadian Labour Congress.

"While the leadership of the CLC purports to champion the workers of Canada, Hargrove knows better. He understands the CLC is bent on maintaining a corrupt system of monopoly power that is well calculated to preserve cushy jobs for union leaders at the expense of union members....

"Hargrove, to his credit, is not afraid of competition among unions. He insists workers should be free to switch from one union to another and he won't forgo the chance to recruit an additional 30,000 dues-paying members for the CAW at the expense of" other unions.

"Hargrove has stoutly refused to comply. While conceding the recruitment of unhappy SEIU members 'technically constitutes raiding,' Hargrove points out that under CLC rules 'it is virtually impossible for workers to switch their membership from one union to another.'

"It doesn't matter how badly a union represents its members or how much it loses the confidence of those who pay its bills," states Hargrove. 'As long as dues money keeps flowing in from workers who are treated more like indentured servants than trade unionists, then the picture of happy solidarity is preserved....'"

Those are pretty strong words from a union leader. That's why I want to talk about flexibility and stability, because without those three items, I don't think we can have a good, solid economy. As the member from Renfrew-Nipissing-Pembroke mentioned, he has concerns about the legislation. I think whenever you introduce legislation dealing with labour, it's difficult to find a good balance. It's difficult for this government, it's been difficult for previous governments and it will continue to be difficult for future governments. But we have to try to find a balance. There is no doubt that if I look at what has happened in my riding, if I look at the petrochemical industry 10 years ago, we lost in the Sarnia-Lambton area probably 6,000 highly paid unionized jobs. Why? Because there was a downturn in the industry. Today in the community of Wallaceburg, that small community of 12,000 people, they have lost a couple thousand jobs in the past three or four years. Stores are closing; people are leaving the community; schools are closing; it's difficult to attract medical practitioners to look after the medical needs of the people.

So how do we deal with these problems? I looked in the Sarnia area a number of years ago and I heard the former government say that they were going to spend their way out of a recession. I don't know where you learned this, in which economic class you would learn that. However, when we look at what has happened, to mortgage the future of our children, I think, was totally, absolutely irresponsible.

How do we deal with the situation today? If we look at project agreements, I've heard many union workers in the past year say—because Bill 31 was introduced a year and a half or two years ago—"There's no work coming into the area under the project agreement." Well, a week ago I had the opportunity to do a groundbreaking ceremony at a plant which will be built under a project agreement. Transalta will be spending \$400 million in the Sarnia area to build a new cogen plant in Ontario, the first one in Ontario. It will create 400 construction jobs over a period of 18 months. Once the plant is completed, it will create 30 permanent jobs. This is a \$400-million investment.

I have a brother who is a welder and he's a union member. He's a good welder, and I'm sure he's a good union member. When I hear the opposition say, "You want these people to work for \$15 an hour or \$12 an hour," I would think that my brother is worth a heck of a lot more money than that because he's a good, solid worker. He belongs to a union, but he's also very, very

productive. There has to be a balance between remuneration and production, because I heard the opposition say they were going to spend their way out of a recession, with no responsibility as to production, where the money was going to come from. They were going to mortgage the future of all the kids in this province.

We have to have that balance. I don't care if a person makes \$50, \$60 or \$100 an hour, as long as that person is productive. There has to be a balance between the productivity and the remuneration.

Mr Christopherson: Like Ipperwash—lots of balance.

Mr Beaubien: We can talk about that any other time. I've invited you to come and visit over there, but you haven't taken me up on that. So any time you want to come and visit, you're more than welcome. I'll drive you around.

Mr Christopherson: To Ipperwash?

Mr Beaubien: Yes.

When we talk about mobility, what is wrong? Why is it that some unions are so afraid of competing with another union on a certain job? What is wrong with that? I've heard that the CLAC union, Christian Labour—I don't recall exactly, but the CLAC union. Some of the unions would say they're a joke. I don't think they are a joke. I think they do a lot of commercial, residential, industrial projects in Ontario. They do their job very well and they produce quite a bit. But then when we look at what's happening today with long-term-care beds and the residential sector, most of the carpenters working for unions today have lost the ability to frame a building because they have not had the opportunity to do that type of work in the industrial sector. They have not had that opportunity. That is a fact.

We talk about the difficulty in finding people who are properly trained to do the job. There is no doubt that the aging population—the construction industry, like many other industries, is aging. I think the average age in the Sarnia area for the construction workers in the union is 46 to 47 years old. This is a problem that we have been dealing with over the years and I think this is a problem we're going to continue to deal with in the future. Why? Because we've got tenure with professionals and we've got unions that, as soon as there is a layoff, take seniority as their guiding light.

Consequently, we go 25 years through a process and everybody's got 25 years in the workforce. We don't have a balance between young people, older people and middle-aged people in the workforce. So we get into these curves and these valleys, and consequently it creates problems. This is what has happened with the nursing industry, the teaching industry over the years. Seniority seems to be the role or the guiding light. I think we have to look at the quality of the worker, also. We have to protect the workers, there's no doubt about that; however, we need to find balance.

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In closing, because I did say I was going to share some of my time with my colleague from Halton, there is no

doubt that unions have played a major role in the economy of this province, of this country, and they will continue to do that. We owe it to every young individual who wants to be trained in a trade to provide him with the best education and the best training we possibly can so that they will be able to provide some type of future for their family.

Mr Chudleigh: I'm very pleased to stand and talk about An Act to amend the Labour Relations Act in Ontario, Bill 139.

There are several components to this bill: (1) it's letting union members know how their dues are spent; (2) it strengthens the decertification rights of employees; (3) it separates ratification and strike votes so that union members have the ability to know how they're voting on an issue; (4) it enhances workplace stability; (5) this act modernizes the construction labour relations; and (6) the certification and the streamlining with regard to the Ontario Labour Relation Board hearing.

In the time remaining I'd like to briefly talk about, first, about letting union members know how their dues are spent. This is the salary disclosure aspect of the bill, so that for people who run unions and whose salary and benefits exceed \$100,000, there is a sunlight clause in this bill that allows union members to know how much their union leaders are making in both salaries and benefits. This is something that is already done in the private sector with publicly traded companies. It is also done in government and in the public employees' area. It is fair and equitable that people know what these people are making and how much they are making in benefits as well. If it's true in the private sector, if it's true in the public sector, why shouldn't it be true in the union sector, and who can argue against the fairness and the equity and the equality of that aspect of the bill?

Second, there are the decertification changes. Today, if a union wants to decertify itself or if there is a wish to change unions—I think we probably focused on the ability to decertify, but this would also apply to employees who may want to change their union, from union A to union B, in the hopes of getting a better contract or fewer work interruptions—that decertification period lasts 60 days, the last 60 days of a contract. This bill is indicating that that would be changed to give a 90-day period for a contract. So if a contract lasts for three years, 36 months, in the last three months employees would be able to look for another union to represent them or indeed decertify that union from their workplace. As I pointed out, it also allows employees to switch from union A to union B, if they so desire.

It also requires the posting of neutral information. As we know, an employer cannot, for instance, influence its employees as to whether they should have a union shop or not, or whether they should decertify the union. In order to allow the employees to have the information, to know what their rights are, it requires that this neutral information be posted so that the employees will know what their rights are in any given situation.

Third, there is a mandatory bar for one year in a drive situation. This is when a union tries to organize a shop. If

the union vote fails to certify, the employees would then have a year's grace to allow them to reorganize or to consider what their situation is. This is probably a fairly contentious part of this bill. However, when you consider that if in a non-union shop a union can try to certify that shop 12 months a year, 365 days of that year, on a constant basis—in failing that process, this bill is suggesting that we have a one-year moratorium.

All in all, this bill, when you take the other five or six points that I won't have time to discuss tonight, seems to be fair and equitable, and introduces a lot of equality into the labour relations of this province. It tends to take into consideration the employee and his rights and the information that employee has to have to make the kinds of decisions that would allow him to govern the rest of his life, something that is fair and equitable, certainly, in my mind.

The Speaker: Questions and comments?

Mrs Claudette Boyer (Ottawa-Vanier): Moi, aussi, j'aurais des commentaires à faire, et mes commentaires s'adresseraient au député de Lambton-Kent-Middlesex, when he talks about balance. As far as I'm concerned, there really is no balance in this legislation. Balance in the labour movement is a priority for us, the Liberals. This should be a win-win situation for both parties, unionized or non-unionized. Like the member from Hamilton West mentioned earlier, there is absolutely no balance. The information that the Ministry of Labour would give on how workers can seek this decertification—well, if we talk about balance, why is some information not given to workers who wish to know how to join a union? Is that really what you call balance?

Pour moi, ce projet de loi représente vraiment une attaque au mouvement des travailleurs. This legislation really represents an attack on the labour movement.

Mr Christopherson: Let me just say to the member from Halton that when you talk about employee and worker rights in here and you're reflecting that, I'd really appreciate if you would respond on how workers' rights and their interests can be addressed when the minister admitted in a scrum that there's absolutely nothing in here that the unions or their workers wanted and you had no consultation with anyone other than business. Doesn't that just seem a tad strange to you, that there was no consultation with anyone other than employers and the only thing that's in the bill is what the employers asked for? It's insulting that you can say that and expect the public to believe it's true.

There's also the one-year vote. Right now if a particular union A makes application and it fails, they're banned for one year, but not another union, because a worker may decide—you're right, you know, I'll say through you, Speaker, to the member—they don't want union A but they do want union B. But because union A was in the organizing drive first and made their application to the board first, that's how they deal with it. If they say no to that, under your law they can't go to union B because they're prohibited from exercising their democratic right to join a trade union. That's the impact and that's the difference.

2100

Let me say to the member from Lambton-Kent-Middlesex, first of all, you talked about your brother. Let me just say to you, through the Speaker, it is a good thing your brother doesn't earn minimum wage in Mike Harris's Ontario, because he'd still be earning the same amount of money today that he was five years ago, and yet you wanted over a 40% increase for yourself.

Next, you say somebody should be given the choice between union and non-union in terms of the contracting. Of course they're going to pick non-union, because the wages are lower. That's your game. Eliminate the union and start watching wages lower. Anyone who thinks it won't impact on them, guess again.

Mr Gill: In response to the comments just now made by the Hamilton West member—

Mr Christopherson: On a point of order, Mr Speaker: I'm sure the member, as the parliamentary assistant—he has been here long enough now—should know the rules of order; the rules being that his comments are to be restricted to the comments made by the previous speaker, not the people who are giving two-minute responses. I'm sure you would want to direct him in the appropriate parliamentary procedure here.

Mr Gill: If one was to look in today's Star, the main section, page A11, "Union Members Fight Leaders' Pay Raises." I'm sure many people at home would have seen it or they can refer to it. On page A11 of the Toronto Star, today's date, it says the union heads—and I'm going to leave them nameless; I'll let the public look for the information themselves—the president has—I'm not sure what the process was—increased his wages from \$72,000 to \$118,300. That is, I think it says, a 65% pay hike. I didn't calculate; I'm just going by what the paper said. The secretary-treasurer went from \$66,000 to \$109,200. That's also close to a 50% pay increase. When members talk about percentage increase, here's a percentage increase they should be worried about.

I want to certainly thank the member from Lambton-Kent for mentioning that the project agreements are finally working. In fact, he said in his riding \$400 million of new investment is coming in.

Mr Caplan: I want to comment on both the remarks from the member from Lambton-Kent-Middlesex and from Halton. I would pose a question to them. In Ontario, of the past 20 deaths on sites, 18—90%—have been in non-unionized construction operations. Do you think that's a coincidence? Why would you want to put people's lives at risk? Why would you want to move towards decertification of unions when people's lives—the basic right to life—are at risk: 18 out of 20 deaths on construction sites, 90%? That's a question I would like both members, or whoever is going to be responding, to answer.

The reason to decertify unions is quite simple—and the member from Lambton-Kent-Middlesex freely admitted it—to pay lower wages. How is it in the interests of businesses in your community that you represent if people are going to be earning lower wages? How are

they going to be able to go out and buy cars, go out and buy furniture, go and buy homes, go and buy—well, now we have a party in Canada which wants two-tier health care—health care? We know it is a move of the government to want to bring in a voucher system, through the back door, for education. How are they going to be able to afford these things when you're trying to lower wages?

I have two basic questions for the member who's going to be responding: Why do you want to put people's lives at risk? Why do you want to lower their wages?

The Speaker: Responses?

Mr Beaubien: I would like to thank the members from Ottawa-Vanier, Hamilton West, Bramalea-Gore-Malton-Springdale and Don Valley East for their comments.

The member for Hamilton West talks about consultation. "Consultation" seems to be a favourite word in his vocabulary tonight. As a former cabinet member in the previous government, I would like to ask him how much consultation they had with their social contract.

Mr Christopherson: There was unanimous consent.

Mr Beaubien: Yes, there was an awful lot of consultation across the province.

I agree with some of the comments the member for Ottawa-Vanier made, that when we're talking about balance, it's difficult to find a balance. There's no doubt that it's difficult to find a balance between labour and capital. It's always going to be difficult. However, if you listen to the member for Hamilton West, he doesn't know what the word "balance" means. "It's my way or the highway." If he was 18, I could reason with that, but at his age you would think he would be a little more mature and a little bit more understanding and trying to find some midway, as opposed to having "My way or the highway." "If you don't think like I think, you're wrong," he says.

Mr Christopherson: What the hell is balanced about this bill?

The Speaker: The member for Hamilton West come to order. Sorry for the interruption.

Mr Beaubien: The only language that member understands is that he likes to shout you down. He tries to intimidate you. He tries to bully you. Why is that? That's the only thing you understand. Well, I'll tell you one thing: you might be able to bully your constituents, but you're not going to bully this member over here.

Interjection.

The Speaker: Member, take his seat. Last warning for the member for Hamilton West. I know it's late, but it's the last warning. If he wants to leave tonight, we can throw him out at this hour. I'm going to do it. Last warning. You're not going to shout at people like that. You've got questions and answers, and you've got a good chance at that time. You can speak as loudly as you want, but when somebody has the floor, you're not going to scream at him or I'm going to remove you, and I'm going to name you, even though it's 10 after 9 at night. Last warning.

Further debate?

Mr Peters: I'll be sharing my time with the member for Ottawa-Vanier.

First, as we embark this evening, I take this opportunity to wish my colleague from Don Valley East a happy birthday, David. Sorry, I couldn't resist. What's a better place to celebrate your birthday than the Ontario Legislature?

The members opposite have talked quite a bit this evening about balance and fairness. I've always been a firm believer that fairness is a two-way street. When you talk about fairness and balance, you have to look at both sides. Having experienced 10 years in municipal government and developing a good working relationship with our employees, there was give and take and you worked with both sides. Unfortunately, with this legislation, it seems to be one-sided.

You talk about democracy, that this is workplace democracy. But again, when this legislation was being developed, you weren't talking with both sides. How can that be democratic? In my mind, that's most undemocratic.

It's sad, with what has happened with this legislation and other pieces of legislation that have come forward from this government dealing with labour issues and others that I'm sure are going to come forward in the future, that instead of trying to take us forward as a province and lead us into the 21st century, this government is bent and determined to turn labour in this province back into the 19th century. Why? It doesn't make any sense.

Something I've watched in a year and a half within this Legislature as the representative for Elgin-Middlesex-London, and previous to that for four years watching from a municipal level and looking at what another level of government is doing, is that they claim to be democratic and wanting to be doing things for people, but this is a government that is intent on picking fights. Why?

2110

The very first move by this government was to take on the poor and the homeless in this province. We've seen it continue: whether it has been the health care sector and firing 10,000 nurses and rehiring them; or the constant battles they want to take on with the teachers and the teachers unions in this province; the changes they brought about that attack the firefighters in this province; the changes they brought about that have attacked municipalities in this province; the changes that have attacked and hurt students in this province; and now, it has been labour and it is continuing to be labour. In many ways, all these areas that I've touched on have been labour.

This government is bent and determined on creating new crises. They're always looking for new targets. It is a very scary thought knowing that this is happening and that this is part of a government's agenda, a government that should be elected to bring people together and work together as a province, but a government that unfortunately is dividing this province into haves and have-nots.

This piece of legislation, this Bill 139, the Labour Relations Amendment Act or workplace democracy, isn't

working to bind this province together. If anything, it is driving the wedge deeper into this province and causing division between individuals in this province. We know that labour unrest is not something we want. We are seeing a booming economy in this province. We are seeing unprecedented investment in industry, unprecedented investment into new buildings and new construction.

This government is prepared to roll the dice and risk losing that. They don't realize—and I wish you would realize—that what you're doing is detrimental to the economic investment and growth in this province. I don't think you realize that. Why would you want to risk that by continuing to bring forth pieces of legislation like Bill 139 or Bill 69? This seems to be the attack on labour week within this Legislature.

As I said earlier, new legislation and anything we do in this province should be about balance. It should be a win-win, that both sides come away from the table feeling they've made some gains, but both sides also feeling they've had to give some things up. That is not evident in what we see in front of us tonight with this piece of legislation.

The labour movement in this province didn't ask for these changes; these changes came from the friends of this government in big business. Did labour have an opportunity to be part of the development of this legislation? No. They were never approached. They weren't consulted.

How is it democratic to have the Minister of Labour make the grand announcement about this piece of legislation at a luncheon about a week and a half ago and to have the minister stand up at that luncheon and speak to one side and not allow the other side in the room. Labour was excluded; the proponents and the supporters of the legislation were included. How is that fair when you speak to one side but don't allow another side to participate? That's wrong.

As I said before, this is a piece of legislation, in my mind, that's all about taking care of their friends in big business, but on the other side, taking away the rights of workers, rights that workers have struggled to attain for a hundred years in this province, and see this government systematically stripping away those rights.

You know, this question of the decertification of the unions—businesses are going to be allowed that opportunity to post in the workplace the rules and regulations as to how one goes about decertifying a union. Again, we talk about fairness and balance. There's nothing contained in this legislation that allows the opposite to happen, to have hanging side by side on a wall in a lunchroom in an office or a workplace how one would go about certifying a union. It's not fair. You talk about fairness. Where's the balance? The balance does not exist.

I think that what the government is risking here is the health and safety of individuals within this province. It's a known fact, and we've seen it in the past year, that 18 out of 20 deaths that occurred within the construction industry took place in non-unionized environments. This is wrong.

I'll sum up with a comment made by one union that I think tells it all: "Why would your government introduce draconian anti-labour, anti-worker legislation when Ontario is experiencing a highly buoyant construction industry in desperate need of skilled trade workers and a stable environment to bring all construction projects to fruition?"

Mrs Boyer: Once again, this government is on the defensive trying to steer an agenda that is falling increasingly out of their control. What does the Harris government do when it becomes obvious that it has completely failed the people of Walkerton and of Ontario? The answer is Bill 139, the Labour Relations Amendment Act. What does the Harris government do when public outcry denounces its plan for a 42% pay increase for MPPs? It introduced mandatory drug tests for welfare recipients.

The trend is clear. When the Harris government finds that 100% of public opinion disagrees with its plan, it introduces a separate plan. It introduces a plan that will have the support of 50% of the people in hopes that the controversy will take attention away from the government's earlier mistakes and other less acceptable legislation.

You see, this government likes controversy. This government likes to divide, and in fact the government has remained in power by dividing Ontarians. Instead of trying to unite Ontarians by putting forth good legislation that will benefit all Ontarians, this government tries to split us up by introducing controversial bills instead of playing a leadership role. In a time of severe crisis, it tries to divide us and attempts to sweep the issue under the rug.

This government is shameless in its public relations shams, but just as disturbing is the fact that the Harris government is trying to cover up its embarrassing and shameful actions. It is really affecting real people in doing so. When it introduces the controversial Bill 139 in order to deflect attention from issues such as Walkerton and mandatory drug testing, it is using the lives of Ontario workers across Ontario for its own crass political purposes.

2120

Well, Dalton McGuinty and the Liberals will not allow this government to manipulate Ontarians by playing with the lives of hardworking people in such a manner.

C'est très évident que, lorsqu'on regarde les implications de ce projet de loi, les perdants sont les travailleurs syndiqués. Et il y a plusieurs répercussions à l'affaiblissement des syndicats. Sachez que les syndicats sont en place pour protéger les employeurs et, quand ils sont menacés par un gouvernement qui a à cœur les intérêts des riches et des grandes entreprises, on se doit de défendre les syndicats et leurs membres.

This government's pattern of union-bashing over the years has been clear. Please allow me to outline some of Mike Harris's most insulting legislation. Bill 7 repealed labour legislation and allowed the use of scabs. With Bill

49, the Employment Standards Act, he eroded minimum provisions for overtime pay, hours of work and many other working conditions for non-union employees. Think about Bill 99, which cut benefits to injured workers by 5% and gave employers a 5% premium cut. Injured workers' benefits are now only partially indexed to inflation. And the list goes on and on.

Why? Pourquoi? Pourquoi cette attaque constante contre les droits des syndicats? Il faut le dire: les syndicats ne sont pas heureux de cette récente législation du gouvernement Harris. Ils sont malheureux parce que le gouvernement fait tout pour débalancer le terrain de jeu. Ce projet de loi donne plus de pouvoirs aux employeurs et enlève toute influence des travailleurs. En fait, le ministre a lui-même admis à sa conférence de presse, la semaine dernière, que tous les changements apportés par le projet de loi 139 sont des demandes provenant des employeurs. Le gouvernement donc donne constamment, clame constamment, que ce projet de loi vise à protéger le droit démocratique des travailleurs. Mais lorsque le ministre a pensé à ce projet de loi, il n'a même pas approché, il n'a même pas consulté les travailleurs qui en sont affectés.

No, instead of speaking to workers when putting together this bill that the government says will protect workers' rights, the minister spoke with employers only. No suggestions from workers were taken, and I still wonder if they were consulted. It is like speaking to the fox when building the chicken coop.

What's worse is that there was stability in the workforce before the Harris government decided to bring forth this act.

Il ne faut pas aussi oublier les inquiétudes des syndicats reliés à l'industrie de la construction. Naturellement les syndicats sont très préoccupés par la sécurité de leurs travailleurs. C'est un fait non disputé, par contre, que le taux d'accidents dans les secteurs de construction non syndicalisés est 2,5 fois plus élevé que le taux d'accidents dans les secteurs de construction syndicalisés. Ceci est vrai, parce que les syndicats ne permettent pas aux employeurs de couper les coins quand viennent les normes de sécurité. Les employés syndiqués sont donc moins au risque d'accidents et de mortalité. Les syndicats reliés à l'industrie de la construction s'opposent donc à ce projet de loi, justement parce qu'ils craignent que cette loi mènera à des accidents et des blessures qui auraient pu facilement être évités autrement.

This bill is clearly an attack on the labour movement. It is completely lopsided in the government's favour. It places workers at risk and it focuses on dismantling unions. But worst of all, it is a crass political move designed to deflect public attention from this government's arrogance. It is a move that manipulates the working people of Ontario, all in an effort to hide this government's dismal and shameful record.

Si ce gouvernement avait vraiment les intérêts des travailleurs à cœur, n'aurait-il pas dû prendre en considération les intérêts de ces mêmes travailleurs lors de la création du projet de loi que nous avons devant nous ce

soir? Mais ça n'a pas été fait. Donc, il faut se demander quelles sont les vraies intentions guidant ce gouvernement. Pour qui ce gouvernement parle-t-il?

This bill really undermines unions and focuses on dismantling them, for lack of a better term. This, in turn, places vulnerable workers in a delicate position: lower wages, lower benefits, less safety.

Alors, voici mes commentaires, pourquoi je trouve que ce projet de loi, le projet de loi 139, manque d'un point quand on parle—when we talk about balance, I find that this is really not a bill that looks after balance.

The Speaker: It being 9:30, this House stands adjourned until 10 o'clock tomorrow.

The House adjourned at 2127.

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CONTENTS

Wednesday 15 November 2000

SECOND READINGS

Labour Relations Amendment Act, 2000, Bill 139, <i>Mr Stockwell</i>	
Mr Christopherson	5477, 5483 5487, 5495
Mr Galt	5482, 5484, 5488
Mr Caplan	5482, 5486, 5491, 5495
Mr Gill	5482, 5487, 5491, 5495
Mr Chudleigh.....	5483, 5494
Mr Peters	5487, 5496
Mr Conway	5488, 5492
Mr Klees	5491
Mr Beaubien	5492, 5495
Mrs Boyer	5494, 5497
Debate deemed adjourned.....	5498

TABLE DES MATIÈRES

Mercredi 15 novembre 2000

DEUXIÈME LECTURE

Loi de 2000 modifiant la Loi sur les relations de travail, projet de loi 139, <i>M. Stockwell</i>	
<i>M^{me}</i> Boyer	5494, 5497
Débat présumé ajourné	5498

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XL
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Thursday 16 November 2000

Jeudi 16 novembre 2000

Speaker
Honourable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 16 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 16 novembre 2000

The House met at 1000.

Prayers.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: Would it be appropriate at this time to move a motion that the salaries of the cabinet members would be—

The Deputy Speaker (Mr Michael A. Brown): That is not a point of order. This is private members' hour.

PRIVATE MEMBERS' PUBLIC BUSINESS

PROTECTION OF CHILDREN ON SCHOOL BUSES ACT, 1999

LOI DE 1999 SUR LA PROTECTION DES ENFANTS DANS LES AUTOBUS SCOLAIRES

Mr Hoy moved second reading of the following bill:

Bill 24, An Act to amend the Highway Traffic Act to protect children while on school buses / Projet de loi 24, Loi modifiant le Code de la route en vue de protéger les enfants lorsqu'ils sont dans des autobus scolaires.

The Deputy Speaker (Mr Michael A. Brown): The member has up to 10 minutes to make his presentation.

Mr Pat Hoy (Chatham-Kent Essex): Every school day, more than 810,000 primary and high school students and their parents put their faith in the owners and operators of Ontario's school buses. Every school day parents trust the traditional school bus to transport their children to a place of learning and to deliver them home safely, and every school day more than one family's confidence is shaken by more than one careless driver.

Too many drivers are approaching a stationary yellow school bus with no more consideration than that given to a yellow traffic light, and too many children are paying the price for such reckless behaviour through personal injury or death.

That is the tragedy which shocked my riding, as I know it has shocked several of the ridings represented in this House.

In January 1996, 17-year-old Ryan Marcuzzi, the youngest daughter of Colleen Marcuzzi, who is with us today in the members' gallery, was boarding her school bus when she was struck and killed by a car travelling 80 kilometres an hour. The driver ignored the bus's flashing red lights, extended stop sign and blaring horn from the

school bus driver, who was helpless to prevent the impending tragedy.

Twenty-six years ago, Ed and Ginny Loxton faced the same tragedy when their five-year-old daughter was killed by a reckless driver. I am deeply honoured that both families are present here today in the gallery.

With the encouragement and support of both families, the Marcuzzis and the Loxtons, I present Bill 24 for second reading. But I caution the House that Ryan's and Tracey's deaths were not isolated incidents.

Since October 1974, five children have died in my riding at the hands of careless drivers who have ignored the flashing red lights of a school bus. In the past 13 years, at least 13 children have died and more than 80 have been injured in school bus accidents in Ontario. Those children were going to school to prepare for their futures. Instead, their futures were tragically snatched away from them.

Ignoring school bus lights is not a rural Ontario versus urban Ontario problem. It is an Ontario problem.

The last survey carried out by the Ministry of Transportation shows that when a car meets a school bus there is a better than 1-in-20 chance that the driver will attempt an illegal pass.

A bus watch program that operated in the Hamilton-Wentworth area received approximately 40 to 60 complaints per month about motorists who had failed to stop for school buses that were loading and unloading their passengers, even though the red flashing signals were activated. But Hamilton-Wentworth's conviction rate, like similar conviction rates across the province, is only a fraction of what it should be, because the Ontario Highway Traffic Act fails to adequately provide for the safety of children using the school bus system.

The barrier to a conviction is identification. Current law requires that the face of a driver passing a school bus be clearly identified before charges can be laid under the Highway Traffic Act. School bus drivers and other witnesses can often identify the licence plate number, make, model and colour of the offending vehicle, but most cannot see the face of a driver long enough to make a positive identification.

The province of Ontario claims to be tough on law-breakers and crime. It's time for the Ontario Legislature to protect its children, as they get on and off their school bus, by sending a clear message to drivers that violations of the laws governing the passing of school buses will not be tolerated.

Bill 24 sends that message. Bill 24 attempts to correct the long-standing problem of identifying the drivers of vehicles who recklessly endanger children boarding or leaving school buses. This bill imposes liability on the owner of any vehicle that fails to stop for a school bus with flashing lights.

How serious is the problem? Every year we see story after story of careless drivers who ignore the school bus warning lights. In 1996, a ministry spokesperson told the *Toronto Star* that 1,100 convictions over a two-year period showed that the problem is being taken seriously. But that's only 550 convictions per year across the entire province. It's nothing but the tip of the iceberg. A 1998 survey in London, Ontario, showed 218 vehicles that passed buses illegally during a four-day police blitz. No, increased fines alone are not a deterrent.

In 1997, in the midst of great publicity about my bill and pressure from parents and school boards, the Minister of Transportation introduced higher fine levels, but with no conviction mechanism, higher fines are left meaningless.

The Ontario Police Association supports my bill. Officers know they don't have the resources to follow 16,000 school buses around their routes twice a day. A local police chief from my riding said that for the safety of students, vehicle plate identification should be allowed for police to link some responsibility to the owner.

The excuse the Minister of Transportation has offered for refusing to protect the children of Ontario is not founded. The minister says he cannot give police powers to school bus drivers, but bus drivers already have those powers under the existing law if they can see the face of the driver clearly enough to identify him. A police officer told me, "This is a red herring." He said there is no reason bus drivers should not have the authority to identify careless vehicles that endanger the lives of children.

Because the ministry does not compile statistics on reported violations, we do not have an accurate ratio of convictions to violations, but school bus drivers tell us that they are passed illegally twice per shift. There are 16,000 school buses in Ontario. At two violations per shift—I'll leave it to the House to do the math. You can see for yourselves that the ministry does not have a hand on the problem. They barely have their finger on the pulse.

With limited resources, the police are stretched to the limit and cannot mount the type of regular blitzes needed to catch violators under the provisions of the existing Highway Traffic Act. They cannot follow 16,000 buses around daily. That's why the Ontario Police Association supports Bill 24. They say my bill is "a positive step toward ensuring the safety of school children in Ontario".

The principle of vehicle liability is not new to Ontario. All parking tickets are issued using the principle of vehicle liability. Photo radar worked on this premise. Not only that, but the collection of tolls along Highway 407 works on the same principle of vehicle liability, as do parking violations, and all commercial vehicle infractions are enforced through the principle of vehicle liability.

The precedent has already been set by this government by the implementation of red-light cameras. Justice will not be denied because of vehicle liability. It is simple enough to show your innocence if you are not guilty. Owners must act more responsibly to identify the driver who has endangered the life of a child. If this government can consider making a parent responsible for the actions of their child, how can it refuse to make an owner responsible for his or her own vehicle?

The question then becomes, how can we justify the idea of vehicle liability for collecting tolls, parking fines, red-light cameras or flying truck tires if we're not prepared, as legislators, to extend the practice for the protection of our children?

1010

Owning and operating a motor vehicle remains a privilege and not an automatic right in the province of Ontario. With this privilege comes responsibility and accountability. In instances such as those outlined in Bill 24, vehicle liability is both fair and just in asking that the vehicle owner either accept responsibility for operating their motor vehicle or identify the driver who was operating said vehicle at the time of the violation so that the province can seek accountability.

Bill 24 does not attempt to unfairly penalize a vehicle owner. The vehicle itself must be properly identified to the satisfaction of the court, and an owner who can prove that a driver other than himself was in control of the vehicle would not be charged. Only owners who fail to identify a driver will face a fine. Drivers will face the government's increased fine levels, plus the crown will be permitted to ask for application of up to six demerit points under the provisions of the existing law. In either case there will be a conviction, and only then will there be a real deterrent.

Bill 24 is not an attack on civil liberties. Ask the parents of a dead child whose liberties have been breached when an offender is shielded by an inadequate law. Nonetheless, the bill has been carefully written under the exact same language as other government vehicle liability bills.

The law specifically states that when a vehicle approaches a school bus with red lights flashing from either the back or the front, the vehicle must come to a complete stop. It does not say, "Proceed with caution," nor does it say that the driver may proceed if he or she believes the road to be clear. It says, "Stop." But the law is virtually unenforceable without the changes in Bill 24. It serves the overriding public interest because it protects a particularly vulnerable group. Bill 24 will result in the protection of Ontario's children who are riding buses, without eroding civil rights of Ontario drivers. These are our children calling for protection. I ask the members of this House to answer that call and pass Bill 24 into law.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to be here this morning, allowing me the opportunity to speak to Bill 24. I would like to thank the member for Chatham-Kent Essex for continuing to bring this issue to the forefront of this Legislature. I know this is the second

time the member has brought forward this bill, and I think it is an excellent bill at helping to improve the safety of our children.

The reason I say that is, as I mentioned to Mr Hoy a few weeks ago, my family had a tragedy concerning a school bus as well, and I would like to put on Hansard just a bit of the history behind it and why I feel we always have to continue to improve the public safety, particularly with respect to school buses. It happened 30 years ago. I had a seven-year-old sister. Her name was Jill; in fact, I named my daughter after her. It was a beautiful, sunny afternoon in February. The roads were clear. Five children were getting off the school bus at this one location—another sister and brother, and two neighbour children. It was on Highway 12, a fairly busy highway even in the winter, but today that highway has been bypassed and the 400 extension goes up that way with a four-lane highway right through to, I believe, close to Parry Sound now.

Five kids were ready to get off the bus, and my sister, the one who was seven years old, was the first off. She jumped off the bus and immediately a car, at high speed, passed the bus on the passenger side and killed her instantly. If there was a good thing about the story, it is that there could have been five children killed at that point. I wanted to bring that to the attention of the House. I know my parents never really got over that time, and I can sympathize very much with the people in the gallery today, the loss they've had. It was a terrible tragedy, particularly when it was one of those weekends that we were all ready to go out to a hockey tournament over in Elmvale, which was like a local war area with hockey wars. It sort of destroyed that weekend, but it took a lot out of our whole family for a lot of years.

I have been an advocate of public safety on school buses. When I see Mr Hoy's bill, I think any attempt at all at helping to improve public safety with respect to school buses is very important.

Through rural Ontario, we have literally hundreds of thousands of miles of roads where school buses travel for different boards of education. I think there are close to a million children in Ontario who travel on school bus routes on a daily basis. I've heard of cases even on side roads, small concession roads, little township roads or county roads—I'm not even talking about highways—many times where accidents have almost happened. I wanted to put that on Hansard this morning.

I think Mr Hoy deserves credit for trying to bring forth improved legislation. I know there are problems in some of the technicalities that we may or may not agree with as a government, but I want you to know that I support the intent of this legislation this morning. I congratulate Mr Hoy for bringing it forward, and I appreciate the opportunity to put on Hansard the story of my own personal loss with respect to public transit and school buses in our province.

Mr Bruce Crozier (Essex): I'm pleased today to have an opportunity to participate in the debate on my col-

league's Bill 24, an attempt to amend the Highway Traffic Act as it affects school buses.

I'm touched by the story that was just told by our colleague from Simcoe North. We have the Marcuzzi and Loxton families with us here this morning, so we have three very graphic pieces of evidence as to why we should support this bill. This bill has been debated twice in this Legislature. It has been presented four times by my colleague, and each time it has died a death on the order paper.

I think it's time we thought about what my colleague has said, the reasons for this bill, and more will be said about it as we debate over the remaining part of the hour. But it's time we made that attempt all of us feel should be made. What we're going to need, of course, is the support of not only those of us in the Legislature this morning—because I suspect that if this bill has passed once on second reading, then there's no reason why it should not pass again. But beyond that, we need the support of each of us, and we need to contact other members of the Legislature to get this bill through committee. We know that on private members' business there can be on a number of occasions good intent expressed and yet the initiative seems to die there. We can't let this happen to Bill 24. We have to encourage each of our colleagues to encourage the House leader of the government to see that this bill passes through committee and comes back to us for third reading.

My colleague has pointed out the apparent concern of the government with the operator liability side of it, and yet has given very simple examples that we all understand where drivers aren't identified when it comes to offences as simple as parking tickets. We had photo radar a couple of years ago where tickets were issued and convictions and payments made for those offences through a case where there was no driver identification. Right now we have cameras on 407. More recent was the introduction of red-light cameras. Technology has to be used. We're in an age of technology, and to use this driver identification as an excuse I don't think is one that each of us really wants to show much support for.

1020

It is time we got to the real intent of this, and that's the safety of our children. I've even had some mention to me—and I spoke with my colleague—that a management person from a bus company down my way suggested, "Well, rather than putting the onus on bus drivers to carry out such a law as this, we should put some of the onus on children." I agree we should continue in our schools to educate our children about bus safety. I'm sure that goes on all the time and I'm sure these students go out with that knowledge, but my wife often told me, as our children were growing up, that it's difficult to put an adult's head on a teenager's shoulders or on a younger person's shoulders. In fact, because we have evidence of passing school buses, I'm not so sure that adults even have this on their minds all the time.

Along with education, we all have to get behind this bill. It's a good bill. It doesn't deserve to die on the order

paper again because, as it sits, our students, our children, our young people are at risk. All we're asking for is everyone's co-operation so that we can make our streets safer for our kids. Support this bill and help this get through committee so we can bring it back and pass it.

Mr Rosario Marchese (Trinity-Spadina): Because there are only a few members in the Legislature this morning, I want to speak to the Ontario electorate directly. You will remember that when this Conservative-Reform government wants to go after some scapegoat, they have no problem being tough and establishing themselves as the real law-and-order government. They've got no problem going after squeegee kids, as they did a couple of years ago, when we in Toronto and I in my riding had a lot of squeegee kids working for just a couple of pennies. Peter Kormos would give them a buck or two. Others would give them a quarter. No problem.

The Tories came here talking about, "Oh, my God, the problems we've got with squeegee kids. We've got to clean the streets of the squeegee kids." No problem getting tough on them. Then they passed a Victims' Bill of Rights because, they said victims need protection. We have a ruling from Judge Day, who said there were no rights in the Victims' Bill of Rights. In fact, their own government lawyers admitted that they were simply statements being made in that so-called Victims' Bill of Rights but no rights specifically. Their own lawyers argued like that. They've got no problem saying, "We are for victims," pretending they're giving them rights, and then they get nothing.

They have no problem being tough, again, when they say imitation guns are a problem, but 18-year-olds can buy them and then carry them, as if that doesn't pose a threat to a policeman when he sees some imitation gun or something that in his mind is a gun. It doesn't matter whether it's a 12-year-old or an 18-year-old; it's an imitation gun that looks like a gun. Peter Kormos quite correctly said, "Get rid of the"—

Hon Margaret Marland (Minister without Portfolio [Children]): On a point of order, Mr Speaker: The standing orders require that we speak to the matter before us. This member has not yet mentioned either the bill or the subject of the bill, and I ask you to bring that to his attention.

The Deputy Speaker: Thank you. Of course it is a point of order that you need to speak to the bill. I thought the member was.

Mr Marchese: Thank you, Speaker. I appreciate the ruling. She wasted a couple of minutes of my time, but that's OK. She was making a point for me. I appreciate that.

So an imitation gun is an imitation gun, and it's dangerous to the police men and women working in the force, because they can't distinguish between an imitation gun and a real gun. So quite correctly, Peter Kormos said, "We've got to get rid of all imitation guns if they are dangerous, no matter who buys them and no matter how old they are." Oh, but not for this government. They were going to be tough. Now, as my good

buddy Peter Kormos once again said, we've got Project Pee against the welfare recipients. We're going to test them, and we're going to make sure they're not on drugs, and if they are, oh, man, are we going to go after them, because we're here, we love them and we want to help them. Project Pee at work; tough on crime, once again.

The Conservatives hate this kind of way of addressing the issue, because they want to be seen as the real law-and-order types, the ones who really fight for victims. Yet we've got a bill here from the member for Chatham-Kent Essex, a bill that's designed to protect kids, and the government says, "We can't support that." One member stood up and said, "Yes, I had experiences of this in my life, and I think it's important. We're going to support this." Where is the rest of the government? This bill was introduced in 1996. It went to committee and was never dealt with. It was deferred and deferred and never dealt with.

When the government prorogued the Legislature at that time, they passed three of their own private members' bills, but they couldn't find it in their own hearts to worry about the children and support the bill the member for Chatham-Kent Essex introduced. They couldn't find the time to do it. They found it in their hearts to be able to pass three private members' bills introduced by the Conservative government, but not that bill.

So it comes back, and I'm convinced we'll have more than one member saying, "Oh, this is a very good bill. It's an important bill and I support it personally." But they can't collectively, as a government, pick it up and make it their own instead of making it die, putting it in limbo, in committee, and never calling it forward to be debated.

What a shameful piece of work this Conservative government is, this government that is so tough on crime. Yet when they get a bill here—it's an easy bill to understand: the bus driver stops, there's a stop sign, a whole lot of people go through it, endangering the lives of many people and—

Interjection.

Mr Marchese: What is it? I couldn't hear.

People drive through that stop sign, drive by that bus when kids are getting on and off, endangering the lives of those children, and the government doesn't see fit to pass it, to give the power to the driver to be able to simply identify the licence plate, as opposed to the existing law that says not only must you identify the licence plate but you must identify the driver. How is a bus driver able to identify a passing driver who goes at a quick speed through that stop sign, when the driver is so concerned and so worried and horrified about what might have happened that he or she has to lift his or her eyes at the spur of the moment from the accident to where the car is, 20, 30, 40 yards away or farther, and identify the driver? How is the driver able to identify the offending person? They can't. That's why there are no charges laid. That's why there are, if any, a few charges that have been laid. I'm not sure many have been laid, because nobody can

identify the offending person who drove through that stop sign, but that's obvious.

What's so profoundly obvious is when you look at the hypocritical response with what this government has done with the red-light cameras that the Conservatives allowed Toronto Mayor Mel to install; they work the same way. The licence plates of cars running a red light are identified and car owners are then charged. It's the same principle. The Tories are not listening, the few who are here, but it's the same principle. That's why I speak to you directly. They've permitted Mayor Mel to have the power to deal with red-light cameras for those who speed through red lights. Mayor Mel was on television the other day saying, "You weren't the driver, your car, too bad." That's what Mayor Mel said. The same principle ought to apply here. The same principle these Reform Tories permitted Mayor Mel to have, which is a good thing, I argue by extension should be permitted here with the proposal brought forth by the member from Chatham-Kent.

1030

It is even more hypocritical, I argue, that Conservatives have no problem with the for-profit Highway 407 operators photographing vehicle licence plates and then assessing user fees against the vehicle. It is the same principle. That's why I argue it is hypocritical when M. Turnbull, the minister, is quoted as saying, "The bill is well-intentioned, but the idea of giving police powers to the bus drivers I don't think is appropriate." That's what he said.

It is appropriate for some person to run through that stop sign, endangering the lives of children in many cases. We know that in the past 13 years, at least 13 children have died and over 80 have been injured. That's OK. It is OK to go after squeegee kids. It is OK to introduce a victims' bill of rights that has no rights. It is OK to do a number of other things that you have done, like the red light cameras that contradict the position you are taking and continue to argue, as Mr Turnbull, "It is well-intentioned, but the idea of giving police powers to the bus drivers I don't think is appropriate." It offends me that Mr Turnbull argues this way.

You offend me, government members, that you weren't able to pass this bill in 1996. I'm convinced the six of you who are here will pass this bill today, and I'm convinced it will go to committee once again. But I don't know whether you will do what you did in 1996, and that is not bring it forward for debate once again. That's what frightens me.

I'm surprised that there aren't more of the victims who have been able to convince you that what you are doing is wrong, that what you are not doing is profoundly wrong, that so many victims have been able to persuade you to do things so that you can claim how tough you are on disorder, on acts of violence against victims, where in actual fact you do so very little.

Here is an opportunity to say to the families who are here, the Marcuzzi and Loxton families, that you are profoundly committed to the idea that this thing can be

avoided, these incidents and these tragic deaths can be avoided and that you are going to be taking steps to make sure this thing will never happen again. I hope these families have been able to convince you in some small way, and I hope other victims will keep on calling you to expose your contradictions and to expose your hypocrisy. But I hope on this matter you will do something.

I'm going to be leaving three minutes of my time to my colleague from Niagara Centre so that he can then complete this debate.

The Deputy Speaker: Further debate? The member for Brampton—Barrie-Simcoe-Bradford. I am very sorry.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thank you, Mr Speaker. It is always a pleasure to speak in front of you. I certainly understand what the member is trying to accomplish here today. When I started out this morning, the first thing I did was I drove my children to their bus stop, my two young daughters, and made sure they got on the bus and made sure I looked at who was behind that bus to make sure they weren't doing anything and traffic wasn't coming forward. It is a very important issue.

As the parliamentary assistant to the Minister of Education, I want the public to know that under the Education Act school boards are not obligated to provide transportation for their students. But where a board does provide transportation, the province makes funding available to the board to help support that service. Boards are responsible to parents, students and taxpayers for setting their student transportation policies, because it's a very important issue.

The member is proposing a bill to amend the Highway Traffic Act to increase fines and place liability on vehicle owners rather than the drivers in instances where drivers pass school buses illegally. What we're dealing with here is obviously a matter of form and a matter of procedure.

Safe transportation of Ontario children is a priority of this government. Over 920,000 students travel in school buses each day. It is a tragedy whenever a child is killed or injured in this province and we need to do everything we can to keep children on school buses safe. Our government has taken a leadership role in targeting drivers who illegally pass school buses. We have doubled fines for illegally passing a school bus from July 1997. The first offence is a \$2,000 maximum; a subsequent offence is a \$4,000 maximum, possible imprisonment and a loss of six demerit points.

The issue is that as we shift liability to vehicle owners rather than the drivers, it would ignore the use of effective sanctions such as demerit points and increased insurance rates, but that's something that has to be considered. That is something that is to be looked at in the overall scheme of what we're trying to accomplish here, because the overall accomplishment here—and I respect the member from the other side—is to ensure the safety of our school children who travel on buses.

To shift the liability to vehicle owners, to make them responsible, is not as direct as to make the driver responsible, in terms of changing the behaviour of the driver

who is responsible. This government believes that the illegal passing of school buses is a form of aggressive driving, and changing driver behaviour is critical to improving road safety. That is why the Ministry of Transportation created the Advisory Group on Safe Driving. Representation in this group comes from a wide range of road user-safety groups. The advisory group provides advice on aggressive driving. They look at matters related to public education and marketing, a review of the rules of the road and aggressive driving research programs.

There are community safety programs that have been set up between communities and bus drivers to report incidents of illegal passing. There is also a bus watch program in Hamilton-Wentworth and a road watch program in Durham; the member from Durham is going to be speaking on this shortly. School bus operators, school boards and police work co-operatively. Letters are sent to owners of vehicles seen passing school buses illegally. Additional enforcement options include visits by police, charges and increased police enforcement at problem locations.

The member opposite obviously feels strongly about this. We all feel strongly about this. I think the process that has to be followed is to make sure that what we put in place is the most effective means. This is another measure that I know the member opposite is looking to put into place. It has to be reviewed. It has its pros and cons in terms of whom you're targeting. But certainly anyone who has a child, anyone who is responsible with respect to the safety of anyone on the road, must take this situation seriously. We must look at all measures to make sure we get at the party who is responsible for this. Obviously there is a vehicle and obviously there is a driver that's involved in this.

I want to say this personally: the member's intentions are respected. This is something that has to be considered very seriously. I'm going to give up my time to the member from Durham. I know he takes this issue very seriously. I want to reiterate that this is a priority of the government: the safety of school children who use our public transportation system via the school board or via the municipality.

1040

Mr John Gerretsen (Kingston and the Islands): I really don't know what the last member was saying. Is he in favour of the bill or is he not in favour of the bill? It is totally erroneous to suggest that there is a shifting of responsibility here. If you read the bill itself, sir, it clearly states that only in those cases where the driver cannot be identified is there a vehicle liability on the owner.

There is not a shifting of responsibility; there is a placing of the responsibility in cases where drivers cannot be identified. In those cases what this bill is saying is that the owner will be held responsible and on a first conviction will be fined \$1,000 to \$2,000, and on a subsequent conviction \$2,000 to \$3,000.

I've got to congratulate the member from Chatham-Kent Essex for bringing this forward. He has brought this

bill forward four times in the past four years; as a matter of fact almost four years to the date this House unanimously endorsed the original Bill 78. It went to committee and it died on the order paper. He brought it forth on two subsequent occasions, in 1998 and 1999, and now he is bringing it forward again.

I hope all of us collectively will put pressure on our House leaders, that if this House is convinced that a bill is worthwhile putting into law, we get away from this notion that just before the House prorogues, we only approve two government bills and two opposition bills. If bills make sense, if they are for the welfare of the people of Ontario, and if this House is in favour of the bills, why don't we just pass them all? There shouldn't be these artificial limits at the end of a session whereby we say, "I guess we will pick two from the government side and two from the opposition side and two from the NDP, and that's it."

This is a good bill. There are already many other examples where there is vehicle liability in effect. As we've heard, it applies to parking tickets, toll roads and commercial vehicles. Why don't we do it in the one area where it's going to save the lives of our children?

I was very much taken with the comments that were made by the member from Simcoe North. What he said was so correct. Those of us who haven't been involved in those kinds of situations can't even imagine it. He said his parents were affected for the rest of their lives by the death of their seven-year-old daughter, who was run over as a result of a car passing a stopped school bus; his young seven-year-old sister died some number of years ago. Those of us who haven't been involved in those kinds of circumstances can't imagine the tremendous, traumatic effect it has on the lives of the individuals who are affected by it in one way or another.

Surely if there is one thing we can do to bring home to the general public, more than has been the case in the past, that there is a responsibility not only on the driver of a vehicle but also on an owner of a vehicle, it is that when they allow somebody else to drive that vehicle, there's a responsibility on them that that vehicle will be driven in a safe fashion, and if that's not the case, then maybe the owner of the vehicle should be held responsible.

Let me make it absolutely clear that the gobbledegook we've heard from the other side so far, other than from the member from Simcoe North—"Yes, we're all interested in the safety of children, and yes, we're all interested in a great education system," and whatever else they said—is all true, but this bill is about one thing and one thing only, and that is that if a driver of a vehicle who passes a stopped school bus with its flashing lights on cannot be identified, only in those circumstances, the owner of that vehicle will be held responsible for the actions of that vehicle at that time. It is not shifting responsibility but it is putting responsibility on the owner of a vehicle if a driver cannot be identified. That's all this bill is about.

I would urge the members of this House to support this bill once again, as we did in 1996, and to put individual pressure on our House leaders to make sure this bill gets third reading. As the minister of children's services—who was in the House earlier and I know will be back shortly—said earlier in a comment to the member from the NDP, this is a good bill. If this is a good bill, I urge her to fight within cabinet for the children she represents in her ministry and get this bill passed, given third reading and effect.

Mr Peter Kormos (Niagara Centre): First, I applaud Mr Hoy for his tenacity, his perseverance and his passion around this issue. I deplore the inaction with respect to this issue, which has been raised time and time again by Mr Hoy.

I listened very carefully to the comments of the member from Barrie-Simcoe-Bradford, who is the parliamentary assistant to something. I read between the lines, and quite frankly I'm not overwhelmed by what I infer from what he had to say. This government's response—we're talking about little people. We're talking about kids. We're talking about youngsters like those kids up there. And we're talking about people who, surely, when they ignore those flashing lights and the stop signs, are culpable of attempted murder or, at the very least, criminal negligence. That's what's happening and that's what has happened and that's what's going to continue to happen.

What does this government do? They want to send letters to the owners of the cars saying, "Please, don't do this any more." Good God, kids have gotten whacked, taken out, killed, and so many others maimed and injured.

Clearly the bussing of children has increased dramatically, not just in rural areas but in urban areas as well. The age of youngsters using those buses, because of preschool and junior kindergarten and so on, has become younger and younger. The phenomenon of road rage and aggressive driving has become more and more critical.

Enough playing around with our kids' safety and well-being. Enough treating this offence as if somehow it ranks along with other provincial misdemeanours like maybe speeding by five kilometres an hour or going through an amber light when you should have stopped. Let's treat this immediately as the incredibly serious thing it is, and let's send a message out there to drivers and vehicle owners that in Ontario we care enough about our kids to get really tough on people who endanger kids' lives while those kids are doing the most innocent of things, to wit, disembarking from a school bus.

It is not unprecedented to have this form of vicarious liability within the Highway Traffic Act. It exists in several other sections. In this instance there's a rebuttable presumption because the owner can testify and/or prove that he or she wasn't the driver, and in the course of that identify the driver, as they should.

Let's get with it. This government has got to do more than play the political game of saying, "Oh, yes, we think it's a good bill; however, it's going to disappear into

legislative orbit," which is what they've done so often with so many good bills from opposition members. Pass the bill. Send it to committee, one day of committee hearings, and get it passed into law.

Mr John O'Toole (Durham): I would first like to pay my respects to the Marcuzzi and Loxton families in the gallery today. You have my complete understanding.

With respect to Mr Hoy's bill, I've watched it, as has been stated, over the time it has been here. This is the second time it has been debated. Certainly no one can disagree with the emotional intent.

On a technical level, I'm only going to raise one small point in the brief time I have. I think the member from Barrie-Simcoe-Bradford mentioned it, but the member from Simcoe North attached the real sentimental value to the bill that I want to remain as my observation and support of the bill.

On the other side of it, when the member from Trinity-Spadina was talking in political jargon and rhetoric, he mentioned the point that the driver who passed the bus—in fact, that's the whole issue of this bill, and the problem I have with it is that it's like Big Brother. Let's keep in mind here that we don't want a society where there's a whole computer-model, red-light radar, whatever, looking after us. We need to take responsibility personally. It's a matter of enforcement in this particular case.

1050

So the issue that is defined here is, are we after the vehicle or are we after the driver by stopping the vehicle, the wrong vehicle? I want to address very briefly that issue. Once I've been accused of something I get a lawyer, and I then spend money defending my rights. If it's a civil or criminal issue, those responsibilities to defend yourself aren't taken lightly. In most cases there are police officers, sworn officers of the court and of the judicial system. To have a lay citizen in a case where there's an accusation made who is spending money defending—that's the whole issue here—and he is found to be exonerated, who pays the lawyer's bills? If somebody maliciously wants to impugn him by saying, "Your driver's licence was noticed at this sign," and seven years later, after the legal fee battle is over, they find out that wasn't the case, it was a mistaken identification, then you really end up with a situation—

Mr Kormos: Weasel words.

Mr O'Toole: They're not weasel words. In fact, your words are weasels. I believe that we are after the driver, the irresponsible driver.

Mr Hoy, I do support the sentiment of the bill. But by the same token it's the very same thing that, if you mentioned it, red light running, the particular case that Mr Colle will be addressing, in my view is a case where there is some opportunity to increase public safety.

The photo radar issue: clearly, putting police on the road and stopping aggressive driving is the more important solution.

With the 407 technology that Mr Hoy used, the Big Brother technology, there isn't somebody's life at stake. I believe it's about enforcement.

I believe that the debate this morning is very interesting. I'm going to give the rest of my time to the member for Etobicoke North so he can address the issue of convictions.

Mr George Smitherman (Toronto Centre-Rosedale): Unlike the last member, I hope to do justice to the issue that is before us.

In starting my comments, I want to pay respect to the Marcuzzi and Loxton families and also to our colleague from Simcoe North, Garfield Dunlop, who tells a very personal story about the impact of this. I cannot offer in the brief time I have more compelling words or arguments in support for this bill.

It seems that we see this change in the government's attitude: this bill had previously been supported, although the government allowed it to languish and die. But we see the wet blanket brigade has been sent out by the government: the member for Durham, and the member for Barrie-Simcoe-Bradford, who was more upset that the Speaker got his riding name wrong than that his position on this issue is wrong. It seems to be wrong in terms of signalling the government's intention not to embrace the opportunity that this issue presents to further protect 900,000 kids who rely every single day on school buses for their mode of transportation to and from their educational opportunities. I challenge the government not to act in such a foolhardy way and not to do anything but embrace this initiative and give life to it.

The member for Mississauga South, the minister responsible for children's issues, earlier was talking about how this issue is of importance from her standpoint as someone who is in the cabinet to advocate on behalf of children. I throw down to her the challenge that she act on behalf of the government and, on behalf of children, within the government to try and be a strong and more forceful advocate than she's been able to be on this issue in the past. Too many opportunities have been passed over on this very issue, as brought forward by my colleague the member for Chatham-Kent-Essex. I say this is the time to act.

Private members' hour has too often become something where we embrace an initiative and spend a lot of time and personal energy on it. We work hard to gain the support of our colleagues, only to see the government manipulate the process in such a way as to not give full effect to the views of private members. I think that this is an issue where historically, in this House, we've been able to find support for it.

So I say to the government, and to that minister in particular, embrace this and advocate for it and make sure the government acts on it. We have a responsibility, it seems to me, to do everything we can to offer meaningful protection to kids, 900,000 of whom ride school buses every day.

I want to point out that some people view this as an issue which is essentially a rural issue. My own riding, perhaps the most urbanized riding in Ontario, has many kids who are accessing school buses as their mode of access and transportation to school. There is very broad

police, school board and parent support in urban areas for it. I would pay tribute to Ila Bossons, a member who recently retired from Toronto city council, who served the Midtown ward, including part of my riding, and worked very hard as a member of the Metropolitan Toronto and city of Toronto councils to try and ensure that this issue was embraced.

In looking at the stats that were provided by the then-Metropolitan Toronto Police Service here in the city of Toronto, we found that the incidence in urban areas is twice as high as it is reported in rural areas. We know from past debates in this place about issues like gridlock, about issues like road rage and about red light running, that my colleague from Eglinton-Lawrence has worked so hard on, that many people in the urban environment are frustrated by transportation gridlock and by the challenges of getting from point A to point B who are rushing about and in a careless way endangering the lives of children.

This protection would send a very clear message that you will be penalized if you don't take the responsibility for all of our children more seriously. This is a bill that is one step, I think a significant step, toward trying to offer those protections. The member from Chatham-Kent Essex has invested an extraordinary amount of his personal energy. He's to be commended for that.

We would be failing not only ourselves but our constituents and the 900,000 children who every day access school buses. I would encourage members of the government to find a way to embrace this and for the minister responsible for children's issues to get her government to act on this.

Mr John Hastings (Etobicoke North): I think this bill from the member for Chatham-Kent Essex is good because he believes in it. He has introduced it at least three times. What I find most curious about the bill, though—and he made a statement himself in this debate—is that increased fines are not the answer. That's certainly evident in the bill. If it should go to committee, one of the things that needs to be debated and focused upon is why the member would have a lessened fine for repeat offenders for this offence. That's a very troubling matter and something that needs to be corrected because, as it stands now, the ministry has in place fines that are higher than what the member for Chatham-Kent Essex has proposed in his own bill. Enforcement is the issue, and he wants to change the focus of the enforcement. You would think he would want to focus on increasing the fines if he believes as strongly as he does in this bill.

The Deputy Speaker: Further debate? If not, the member for Chatham-Kent Essex has two minutes to sum up.

Mr Hoy: I want to thank all those who spoke on Bill 24: the members from Simcoe North, Essex, Toronto Centre-Rosedale, Kingston and the Islands, Trinity-Spadina, Durham, Niagara Centre, Etobicoke North and Barrie-Simcoe-Bradford. I want to say to you that my sole purpose in bringing forth this bill is to protect the children who ride the 16,000 school buses that travel our

roads, some more than twice per day, in Ontario. I'm here to protect children from injury and death. There are over 800,000 who ride our school buses each and every day to and from their schools.

I want to say to members opposite, in regard to some of their criticisms, that we are looking here at an eyewitness account of an infraction of the Highway Traffic Act—not a machine, not a camera, but an eyewitness account. That eyewitness account will come from the bus drivers of Ontario, in whom I have so much faith and for whom I have tremendous respect. Currently, the government must remember that bus drivers in Ontario have the ability to identify the face of a driver who passes a school bus illegally.

The problem is that regardless of how big the fine is, there is no conviction mechanism. It is nearly impossible to identify the face of a person who passes a school bus illegally. There are many reasons for that, and I won't go into them, but there are many reasons. The public knows what the law is currently. They are passing school buses, as reported to me, with their hands beside their face so the bus drivers won't know who they are. For the sake of our children in Ontario who ride school buses daily, I ask for the government's support of Bill 24.

The Deputy Speaker: The time allocated for this ballot item has now expired. The decision will be taken at noon.

1100

PROTECTION OF AGRICULTURAL AREAS

Mr James J. Bradley (St Catharines): I move that this House request that the provincial government, through provincial policy, provide long-term protection for the unique agricultural areas both within the Niagara Peninsula and throughout the province.

The Deputy Speaker (Mr Michael A. Brown): Mr Bradley has moved private member's notice of motion number 27.

Mr Bradley: I want to say initially that this is truly a private member's resolution. I don't intend this to be a partisan issue because I suspect there are people in all three parties who have a great concern about the disappearance of agricultural land wherever it happens to be in Ontario.

It's not my intention to point fingers; it's not my intention to talk about whether government policy at the present time is ill-advised. What I'm here to do this morning is to encourage members of this Legislature to try to develop some plans that will help us to save agricultural land in this province, and if I may be parochial, specifically within the Niagara region.

Throughout my career as a person in municipal and provincial politics—that's since 1970—I have had as a major issue the preservation of agricultural land. One of the reasons is obviously that I live in an area of the province that has "unique soil" and a "unique climatic condition." That combination is so remarkable that it allows us to have both tender fruit and grapes grown there. If

you look at the Niagara Escarpment—I remember this from a grade 12 geography course—there are 27 more growing days below the escarpment than there are above the escarpment. It's the lake effect that allows us to do that. It's a microclimate that allows places like the Okanagan Valley in British Columbia, the Annapolis Valley in Nova Scotia, and the Niagara Peninsula—and southwestern Ontario, I must say as well, has some of these areas. I think it's extremely important that we preserve agricultural land in this province.

I'm afraid that in our desire as a province, as people in the province, to see development take place, development has taken place very often in the wrong places. That's understandable, because when people want to have development for commercial or residential purposes, often it's easiest to put it on good agricultural land; it's conducive to that kind of development. I think that we have to make a decision in this House, that we have to make a decision as government, to ensure that we instead allow development to take place where it would be most beneficial to us and where it allows us to preserve the agricultural land.

I think the problem is too serious and too urgent to engage in partisan bickering over whether one government is wrong or one party is wrong on the issue. I would imagine the Minister of Agriculture and the Minister of the Environment have a concern about this as well and I hope that is reflected in support for my resolution today.

The resolution actually arose out of a decision, I think an unfortunate and an unwise decision, by the Ontario Municipal Board in July of this year to allow over 500 acres of agricultural land to be converted to land for residential, commercial and business development purposes on what's called the Fonthill kame. The Preservation of Agricultural Lands Society fought that at the Ontario Municipal Board hearing but was unsuccessful. I would like to see the provincial government overturn that particular decision and I would like to see the provincial government invoke controls that will preserve agricultural land.

The reason I say this is that having served on a local government, I know how difficult it is for local politicians, local elected representatives, to resist the lure of development. There's always a case to be made for it, that it's going to produce jobs, at least in the short term, and that it's going to produce economic benefit. I think we must look at the millions upon millions of dollars that the agricultural industry in the Niagara Peninsula produces for this province and for this country and for the communities in which it's located.

Judy Casselman, who is a councillor, presented this resolution to the St Catharines city council. That's where I got the idea for this resolution. I wanted to reflect something happening in my community, a concern of my community, in this House. The resolution at city council read as follows:

"Whereas, the unique agricultural lands in the Niagara Peninsula capable of growing tender fruit and grapes are a limited and irreplaceable resource; and

"Whereas the availability of land is considered to be a major limiting factor in the expansion of the tender fruit industry; and

"Whereas in recent years we have seen tremendous competition between tender fruit growers, grape growers and greenhouses which is forcing fruit growers to look at lower-quality lands outside of the Niagara region; and

"Whereas in 1997 the provincial government removed the protection for unique agricultural lands and provided opportunities for municipalities to expand their urban areas if there were no reasonable alternatives; and

"Whereas pressure for continued urban growth is placing tremendous pressure on our limited supply of unique agricultural land; and

"Whereas other jurisdictions in North America such as Napa Valley in California are recognizing the need to preserve their unique agricultural lands for the long term;

"Be it resolved"—and then they said, in their case—"that this council request that the provincial government, through provincial policy, provide long-term protection for the unique agricultural areas both within this region and throughout the province."

I think it's a reasonable cry.

These are urban politicians. During our recent municipal election campaign, most of the candidates talked about the need to preserve agricultural land, but that can only be done if the provincial government takes that role.

I would like to see, for instance, a select committee of this Legislature deal with this issue in depth. Send the whips away, send the House leaders away, and allow the members who are concerned about preserving agricultural land to check their partisan hats at the door and try to find ways to save that land, because I think we recognize, particularly those of you in this Legislature who are farmers, that if you want to save agricultural land, you have to save the farmers.

We have to have programs which assist farmers, such as when they have a problem with the plum pox virus in the Niagara region and many trees have to be torn out, so that there is compensation that takes place.

It's very attractive for farmers, most attractive, to sell their agricultural land for a huge price and get that money immediately than it is to sell it to another farmer. What's happening is that the price of land is going up so much that a person like Don Ziraldo, who is the president of Inniskillin Wines and a person considered to be one of the foremost people in the wine-producing industry, has asked the Premier of this province to establish an agricultural preserve in the Niagara Peninsula similar to what they have in the Napa Valley. I think that would be a very progressive step on the part of this government and I think it can be done. The fact that Don Ziraldo would ask for this I think adds weight to it, because he has recognized that if we allow development to continue on the Niagara Peninsula the way it has in the past, we're going to lose those lands and we're going to drive up the prices so that farmers cannot afford them.

I look at places like Vineland, Beamsville, Niagara-on-the-Lake, St Catharines, Grimsby and Stoney Creek,

which have development taking place that frankly is in the wrong place and is the wrong kind of development. I really think that should have been kept for agricultural purposes.

The value of the tender fruit and grape industry is tremendous to our area. I commend to members of this Legislature an issue paper from March 1991 by Jerry Richmond and Anne Anderson of our legislative library called *The Preservation of Agricultural Land*. It has a lot of good ideas on what other jurisdictions have done to try to preserve that agricultural land.

We recognize as well that it's a tourism attraction. People don't come to the Niagara Peninsula to see wall-to-wall development. They come to the Niagara Peninsula because there are large tracts of rural land and they really enjoy that. We've had wineries grow up in that area. So many wineries have grown up, and the member for Niagara Falls and the member for Erie-Lincoln and I see them throughout our ridings.

Dr Joseph Kushner and I, when we were on city council together, fought hard against the expansion of boundaries. We were both urban politicians within the city and there was always pressure on us. We fought against that. Dr Kushner has produced some reports demonstrating that residential development, for instance, isn't always a net benefit to communities in terms of the assessment that is there.

1110

We have a huge land mass in Canada and Ontario. Only a small amount of that is arable land or land where the combination of the climate and the soil enables us to grow products. If we have to import, we can be assured that those imports will be very costly and we will not have those products available for us.

The land often will be allowed to lie vacant, so the argument will be made, "Well, it's not being used for agricultural purposes, so you may as well develop it." That's what developers do: they purchase the land, they let it lie there and then people will allow that argument to be made. I think we have to make it viable for farmers and that's what I hope happens here.

I think most members would agree that severances are not the answer, that that's death by a thousand cuts when you allow severances to take place and intrude into the farmland.

We have to ensure that our farmers get the appropriate amount of money for their products, and I think the select committee process is the very best way of doing this.

I remember hearing a statement by Will Rogers, a US humourist, who once said about farmland that they're not making it any more so we should be saving it. I say, indeed, and I hope members will support my resolution as a result.

Mr Peter Kormos (Niagara Centre): I support the resolution in its entirety without hesitation. My predecessor, the great Mel Swart, and Mr Bradley, during their contemporaneous careers here, had always been strong advocates for the preservation of agricultural lands in Niagara and were raising this matter in this Legislature

over the course of their respective careers on a regular basis.

It's trite but it needs some reiteration that we're dealing with a non-renewable resource, one that once it's paved over, you never get it back. We're also dealing in Niagara with some of the most dramatically unique agricultural lands in all of Canada and in all of North America. We're not talking about the huge tracts of land that, for instance, you find in California, with the huge, mega-acre pieces of land that are used for farming. You're talking about some very specific, some very identifiable and some extremely high-quality pieces of farmland, both below the escarpment—the microclimate talked about by Mr Bradley—as well as on top of the escarpment.

We're also talking about an incredible and bizarre obsession by some municipal leaders—at least one of them was defeated soundly in the municipal election earlier this week—who have bought into the need for constant urban expansion, constant growth, constant development.

I've got to tell you that the real tragedy is to witness farmland that developers have taken hold of and created some of the most mundane, tedious, boring and from time to time downright ugly housing tracts that one could ever observe. That, I suppose, for me is the real tragedy, in that the utilization of this incredibly scarce resource has been done so callously and cynically—we know the motive, generating profits that are pocketed and then that developer moves on to any other locations that are ripe for the picking. This is why it's important.

I'm extremely grateful to the Ontario Federation of Agriculture. I know Mr Bradley deals with them on a regular basis, as I do. We were at their annual general meeting in St Catharines for the Niagara North Federation of Agriculture just a couple of weeks ago. Niagara South had their annual meeting down at the Wainfleet community centre.

You see at these AGMs the incredible cross-section of farmers and types of farming that take place in Niagara region from north to south, from the Niagara River on west. It's incredibly diverse. The most commonly known, provincially and nationally, are of course the vineyards, great vineyards, and the tender fruit, but as well there's a huge diversity, a huge range of agricultural use of land, as represented by these farmers, incredibly hard-working people, who are participating, and let's understand it, in the second-largest industry in Canada. The auto industry is number one. Second to auto is agriculture. It's something that a whole lot of Ontarians don't really appreciate, but it's true.

It's also the process of feeding the community. I despair of the day when Ontario, Canada can no longer feed itself, when it becomes reliant upon out-of-country sources of food. I tell you, that is a very dangerous situation to put ourselves in. But the rapid attack on agricultural land makes that a very distinct possibility—in fact, an inevitable reality—unless the brakes are put on promptly.

Speaking further to the issue of farmers, I think it's important to understand that farmers in Niagara, and indeed across this country, are producing some of, if not the lowest-priced food anywhere in the world. It's something we had better understand as well as Ontarians and Canadians. We pay less for our food than any other country. I'll put it to that absolute: we pay less than any other country. The fact is that our inexpensive food, the price that the consumer is being accommodated with, is being subsidized directly by the farmers in terms of their low return on their incredible investment and the incredible amount of labour that's put into running what are, in Niagara region, primarily family farms.

Our farmers have been ill served by the federal government and by the provincial government—I'll put it in the plural: by federal governments and provincial governments—as they're called upon to maintain their production and to compete internationally with jurisdictions where farming is appreciated and where farmers are acknowledged for the incredible contribution they make to the economy and welfare of their national communities and receive support from their levels of government that is in no way equalled or even come close to by levels of support from federal governments and provincial governments.

Last summer, the summer of 2000, was a tough one, let me tell you, for farmers in Niagara. I should probably talk about the plum pox virus, along with the incredible rainfall. For whole crops—tomato crops, hot pepper crops, cucumbers—there simply was no harvest. Farmers were going out there and seeing their fields flooded day after day after day, when in fact they should have been anticipating the process of harvesting and moving that produce to the various industries, to the processors, or to their kiosks along the roadside or the farmers' markets in St Catharines or in Welland, and there were simply no crops. Farmers paid a huge price this past summer in terms of the weather conditions which devastated their crops. Nobody in the community is saying, "Farming is sufficiently important that we should be protecting farmers against these devastating losses."

I also understand, and I want people to understand very clearly, that the farmer and his or her family have huge investments in the lands and in the equipment they use to sow crops and maintain them and harvest them, and that farmers don't have pension plans. Farmers feel hard pressed and hard done by, and quite legitimately so, by the fact that there is no consideration of the farmer's investment being entirely within his plot or plots of land and in the capital investment and that there is marginal marketability of those plots for farming use, for agricultural use. We see farmers working lifetimes of incredibly hard work, feeding their communities, be they livestock producers, poultry producers, egg producers or growing crops or be they the farmers who grow our tender fruit and produce our tender fruit, or the vineyards that have excelled and attained international recognition for the quality of product, the grapes that are being grown in Niagara, reflected very much in the outstanding

Niagara wines, increasingly from the small, family-run, specialized, low-volume wineries—any number of them. You can go down there. People come from all over to do the wine tour. It's mapped out. You can visit a half a dozen wineries. Henry of Pelham, young Mr Speck was the king of the grape festival at the end of the summer, in the fall, as St Catharines celebrated its annual grape festival.

1120

I commend the people at Henry of Pelham for an outstanding winery, and one worth visiting on a Sunday afternoon. It's a short drive from Toronto or any other number of parts of Ontario. Drive down to Niagara, visit Henry of Pelham, take a look at what's going on. They'll show you the processing, they'll show you the wine manufacturing. They've got a wonderful boutique there at a historic location. You can sample wines, you can buy yourself a bottle or a case to take home—along with any number of wineries along Highway 8. You'll see the signage along the QEW.

But it's this industry that is very much at risk. I echo again the difficulty that municipal and regional levels of government have in effectively establishing policies that are going to meaningfully preserve the farmland as well as ensure that the farmer or owner of that farmland isn't punished by virtue of being a farmer and being in possession of this very scarce and very worthy-of-protection resource, those farmlands.

That's why, yes, it's got to be provincial government that accepts the responsibility for preserving farmland. Regional and municipal governments can be too readily pressured by the developers, who don't give a tinker's damn about the survival of farmland. They'd pave it over in a New York minute if they had the chance, and the proof is that when they do have the chance, they do. There's no regard on the part of developers driven by profit for the sanctity of this incredible soil and climate—none whatsoever. They couldn't care less. They move in with their bulldozers, take off the topsoil, sell it, knock down the peach trees or the cherry trees, pave it, pour your concrete and then they move on to the next development.

The corporate developer couldn't give a tinker's damn about the survival of farmland. Once again, the proof is that when they can take it over and develop it, they do it. Oh, they may pay some historic reference to it by names to their subdivisions that reflect the historical reality of that area, of that piece of Niagara, but they're not interested, not motivated and certainly have no intention of participating in the fight to preserve farmland and to ensure that farmers are adequately compensated where farmers' futures, especially their retirement futures, are impaired by any interference with the ability or the opportunity to subdivide their land and have it picked up piecemeal by the profiteers, by the developers.

Having said that I also want to commend a whole lot of municipal and regional leaders in Niagara, because not all of them fall into those obsessed with the profit goals of developers. But we find those people increasingly

overwhelmed by the huge pressures that can be put on municipalities and the regions to encourage development. Again, development is always pursued and presented as if, if you don't have this development, somehow you are being anti-progress, you are being reactionary; your feet are stuck firmly in the mud.

Well, that's poppycock. It's foolishness, isn't it, Speaker? You understand what I'm saying. You know exactly what I'm saying. It's foolishness to take that sort of attitude, because the progressive position is to recognize the unique qualities of those farmlands in Niagara region; to recognize the incredible contribution of farming and agriculture to the economy of Niagara region; to recognize that it's those farmlands and their produce that make Niagara region the attractive place it is, the envy of so many people in Ontario.

That's why people are moving to Niagara from places like Toronto and other big cities in Ontario, to enjoy the incredible quality of life that Niagara has the potential to offer. They aren't moving there to live in suburban Toronto townhouses, spread out over acre after acre of land. They aren't moving there to tread on concrete and mile after mile of asphalt. They are there because of the incredible diversity of Niagara; urban, small-town Ontario, granted, the kind of Ontario that constitutes most of Ontario and the kind of small-town Ontario that creates some of the best qualities of life, but also very rural and very agricultural.

I encourage all members to support this resolution so that this province feels compelled to move promptly to establish a process whereby some provincial policies can be established that are fair, that recognize the incredible value of this agricultural land in Niagara, that recognize the historic role of agricultural lands in Niagara, and indeed in other parts of the province, and policies that can be put into effect to ensure that Niagarans and people across this country continue to benefit from the incredible fruits of the labours of farmers on that very unique land.

Mr Garfield Dunlop (Simcoe North): Thank you very much for allowing me the privilege to speak this morning to this resolution brought forward by the member from St Catharines on the issue of development on agricultural land in the Niagara region. I know the member has a long and detailed record of statements in this House related to the farmland in the region, and I'd like to thank the member for bringing this issue up in this House. At the same time, I'd like to thank our members from Niagara Falls and Erie-Lincoln for continuing to raise the importance of the agricultural industry to our caucus, especially on the preservation of unique agricultural lands.

I have to say I totally support the resolution. I travel a lot to the Niagara region, basically as a tourist, and we always enjoy going to small communities like Jordan, Beamsville and Niagara-on-the-Lake. We've watched those communities grow a certain amount, and I've always enjoyed the wine tours. In fact, I've gotten to know a few owners of some of the smaller wineries that

make some unique wines. At one point, I think it was just a year ago, I was told there were something like 24 new applications in the Niagara region for additional wineries.

I always find it very alarming, as a member of this caucus or as a resident of Ontario, to think we would ever be in a position where huge amounts of those lands were being plowed under to develop more housing or more industry. I think it is very unique.

One of the things that comes to my mind with the Niagara region is that we have a program called the rural job strategy. I think everyone has heard of that. Two ladies in my community were fortunate enough to receive funding to develop a company called Chelsea Chocolates, and they actually use different icewines from around the province.

Mr George Smitherman (Toronto Centre-Rosedale): Are you giving us samples?

Mr Dunlop: No, of course not. There are no samples to go out.

It's a very unique business. A lot of people in Ontario are very proud of the fact that we have a great assortment of wines from that particular region. I've been in restaurants with a number of members of my caucus, and if they're going to have a bottle of wine or a glass of wine, they demand that it be from the Niagara region, although I admit some of them drink beer.

As a member of the Premier's task force on rural economic development, I had a chance to meet with people from across this province on this and other issues facing agricultural communities. I remember that in intensive agricultural areas in southwestern Ontario concern for the protection of land was high, while in other areas of the province there was less support for restricted development on marginal farmland. It is because of this wide range of support for the protection of farmland that I feel these decisions should be made as much as possible at the local level.

With that said, the region and local municipalities possess a number of tools and the ability through their official plans that I would expect to prohibit development on specialty cropland. Again I go back to the reason; I heard of the 24 applications that were in for new wineries. I've learned that the region of Niagara has already begun this by drafting policies which designate agricultural areas with the highest priority for protection of "good grape" and "good tender fruit areas" followed by "good general agricultural areas."

I don't have a lot of time this morning. A number of our caucus would like to speak. I do appreciate an opportunity to say a few words toward this resolution.

1130

Mr Smitherman: It's my pleasure to join this debate on the resolution by the member from St Catharines. I'll be supporting the resolution.

We all know well of the member's commitment to his region. This issue of the preservation of important and significant agricultural land is something he has a long record on. It's interesting that this issue comes before us today. It's extraordinarily timely, falling as it does in a

week when municipal governments had their elections here in Ontario, and the election results seem to speak, at least in the greater Toronto area, and I think in other places as well, to a great uncertainty on behalf of many constituents who see the diminishing agricultural land eaten, as it has been, by this unquenchable thirst for urban sprawl in so many centres here in Ontario.

I had an opportunity this morning to speak to my federal member, Bill Graham—we were out campaigning at bus stops—who is more of a wine connoisseur than I am. I mentioned that I'd be speaking to this issue, and he immediately said that this is very important, because the Beamsville bench is a world-renowned wine-producing area, irreplaceable because of the microclimate which produces the best icewine in the world. I think that helps to highlight the extent to which, and the fact that this member is from Niagara region, the Niagara region is so well known for its agricultural production and they help to focus on this issue.

We've talked a lot about the land and about the appetite for urban sprawl. I think it's really important to note that it is not just agricultural land that is at stake but in fact it's an agricultural way of life which has been so important in terms of Ontario's development. We have I think a very important responsibility, as a consumer society, to restrain ourselves when our activities run the very real risk of eliminating what has been a very important piece of history.

I say that as someone who represents probably the most urban riding in Ontario, but I'm very proud of the fact that in the centre of my riding is the Riverdale Farm, where the city of Toronto works very hard to provide people, and kids especially, living in urban areas an opportunity to see the importance of agricultural production there, so the importance of this is not lost on them. We can't take these things for granted. To a certain extent, I think the province giving away some of the mechanisms that have the powers over planning where they have simply shrugged their shoulders, is causing a multitude of problems with respect to urban sprawl.

In the greater Toronto area on Monday, we saw many races where a primary issue, a defining issue in the municipal election, was the protection of agricultural land.

Mr Mike Colle (Eglinton-Lawrence): King City.

Mr Smitherman: King City is one example. My colleague mentioned that a 53% voter turnout occurred in that community, an extraordinarily high turnout. The debate there really was around the nature of King township: would it continue to reflect its agricultural roots with very modest growth or would it have a faster rate of growth brought on by the big pipe? In Georgina the mayor, who went down to a narrow defeat, was viewed to have been a force in favour of more development.

Similarly, I think there are exciting occurrences out there where municipal leaders are trying to get Ontario to take an interest in the issue of protection of lands and make sure that the development we have is more

sensible, because we know it is not sustainable to continue down the path we are on. The issue of gridlock in the greater Toronto area is, in large measure, brought on by failure on the part of the provincial government to seize its responsibilities and link the protection of the natural environment, agricultural areas, planning and transportation.

The mayor of Burlington is one example of a mayor who's working very hard to try and improve the way that community accommodates growth. The mayor of Scugog, Doug Moffatt, who was re-elected on Monday night, has been an extraordinarily effective leader and a very strong spokesperson for the protection of these lands. He very often feels at odds with this government and with the member from Durham, who is supporting policies on the part of that government that are leading to this increasing sprawl.

Let's remember one thing as we approach our vote on this debate: there is a developer in York region who was quoted in a Toronto Star piece six months ago or so who said, "In the spring we plant sewers and in the fall houses pop up." That is using an agricultural analogy, but it helps to highlight the problem we've got. Let's keep one thing in mind when we talk about agricultural land: we're not building any more. We have a responsibility to protect it and to accommodate our growth in a more practical and responsible way.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate with respect to the resolution from the member from St Catharines. The wording in the resolution is fairly clear. It's looking for the provincial government, through provincial policy, to "provide long-term protection." I don't really know what the meaning of "long-term" is. I thought maybe the intent of what he's looking for is permanent protection if we're trying to protect our agricultural areas.

The province's role in land use planning is focused on defining issues of provincial significance and establishing policies to address them. Municipalities at this point in time "are required to have regard to provincial planning policies." That's already in existence. Under the current regulatory legislative scheme, the Planning Act and the accompanying provincial policy statements, also called the PPS, provide protection for prime agricultural lands, including specialty crop areas such as those present in the Niagara region. The Planning Act also mandates five-year reviews to determine any revisions to the policy statements, with the next scheduled for review in the year 2001, which is upcoming.

Section 2.1 of the PPS, the provincial policy statements, notes that "prime agricultural areas will be protected for agriculture. Permitted uses in these designated areas include agriculture, secondary uses and agriculture-related uses." Underlying the policy statements is the recognition that the agricultural land base provides economic, social and environmental benefits.

The sustainable management of this resource is a key provincial interest. Provincial policy statements are complemented by local municipal policies regarding matters

of local interest as designated in official plan documents which are the responsibility of, prepared by and passed by local municipalities.

The region of Niagara has drafted policies which designate agricultural areas. The highest priority for protection are "good grape" and "good tender fruit" areas followed by "good general agricultural areas." It should be noted that, in late July 2000, St Catharines city council asked the provincial government to ban development on Niagara's unique farmland. The region and local municipalities possess the ability, through their official plans, to prohibit development on specialty cropland.

Let's bring this into context. The official plan and the zoning bylaws of any municipality, whether through the region or whether through the municipality, are what people who own the land and want to change that land are subject to. But the municipalities or the region are also subject to the provincial policy statements, and any application for a rezoning or official plan change would also bring into the situation the municipal affairs ministry, also OMAFRA—the agricultural ministry—and the environmental ministry, where necessary, as watchdogs to deal with that particular issue.

I understand the intent of the member's resolution. I certainly understand that he wants a provincial role. That role is already there. The long-term protection is somewhat unclear, somewhat fuzzy. I would have thought he was looking for permanent protection, but be that as it may, that's how it was drafted.

1140

Mr John Gerretsen (Kingston and the Islands): I certainly support this resolution that has been brought forward by the member for St Catharines, who has had a long-standing interest in the Niagara Escarpment and the agricultural land that is located in that area. As we know, there are 27 extra growing days possible on that side of the escarpment, which is not so elsewhere in Ontario.

I found it rather interesting that the last Conservative member who spoke talked about the local decision-making process. Let me go on record as fully supporting the local decision-making process of planning boards, councils etc. However, to suggest that currently the provincial policies have the same effect on local decisions is totally incorrect. As we well know, that was changed some time ago last year, when in effect the government changed the wording of that by saying that local decisions no longer had to be consistent with provincial policy, but rather only had to have regard for provincial policy, which changes the entire focus and emphasis. I believe that even though local governments ultimately make the individual decisions in particular situations, it's up to the province to set the standards and it's up to the province to clearly set out what kind of development and what kind of rural lands we want to maintain in the future.

I get very disturbed when we get a document from the government's own ministry, the Ministry of Agriculture, Food and Rural Affairs, which indicates from a tender fruit survey that was taken in the Niagara area that there has been a decline in tender fruit trees in that area in the

last five years of 25%. There are 25% fewer trees in the tender fruit category that produce such fruits as peaches, pears, plums, nectarines, apricots, prunes, sweet and sour cherries and French hybrid and vinifera grapes than there were five years ago. When we see that the projections are that we expect the population of the GTA to grow from 4.6 million to 7.5 million over the next 30 years, one can well imagine the tremendous ongoing pressure there is going to be on the rural lands to turn them into subdivisions, turn them into residential areas.

That leads one to believe that there's even a greater emphasis or a greater need for the provincial government to set out clear-cut policies and to make sure that municipalities have to pass local zoning bylaws that are consistent with the provincial policy statements, not merely having regard to those policy statements.

This is a very important issue, and I think the future generations, such as our pages who are with us here today, the future young people we have in this province, demand that we take this issue seriously and demand that the province take an extremely strong stand to make sure that the tender fruit areas, the special agricultural areas that are located within the Niagara Escarpment area, are going to be maintained for future generations. Some 75% of all of the tender fruit growing areas in the entire country of Canada are located in this area. When we see that over the last five years there has been a decline of 25%, that's simply not acceptable nor sustainable in the future.

I urge the government members to support this resolution so the various ministries can get together and come up with a strong provincial statement that municipalities will adhere to.

Mr Bart Maves (Niagara Falls): It's a pleasure for me to rise and speak to this motion from the member for St Catharines. Let me just say at the outset that I can agree with the sentiment expressed in the member's resolution, that we want to see agricultural lands stay as agricultural lands and be farmed productively and successfully as agricultural lands. But that's about the only thing I can agree on with the member opposite, and I can't support this resolution.

One of my main problems with the resolution, quite simply, is that the resolution assumes that farmers don't want to farm their land, that farmers want to get out of farming and sell off their land for residential, commercial or industrial purposes. I think nothing could be further from the truth. The farmers that I know and the farmers in my riding, principally in Niagara-on-the-Lake, have farmed all their lives, and their families before them farmed, and they want their children to continue to farm. They are not interested in getting out of that business. So when we assume that there is going to be a rush to rezone land, to get land moved into industrial and commercial, I think it's a bad assumption. They, more than anyone in this room, want to remain in the business of farming.

Therein lies the crux of this issue. In the last four years, if you went up and down the lines and concessions of Niagara-on-the-Lake in my riding, you would have

seen more farmland than ever before put into production. For many years, a lot of that farmland sat idle and was not utilized. But now that farmland is being put into production by those farmers. Why? Because it's economically viable for them to do so.

I think one of the most important things that we're missing in this is that the problem with farming in Ontario today quite often comes from subsidized competition from other countries. If our federal Liberal government is not going to do anything to help—and I'm not making this a partisan issue, but trade is a federal issue. I've been visited by many people in the agricultural community, by the federations of agriculture, by my local farmers, and when product comes in subsidized from European countries or South American countries or the United States that depresses the prices that our farmers get for their food, it makes it a lot less economically viable for our farmers to continue to farm and stay on the land. Remember, for them their farms are their pension. Their farms are their retirement. If we lock up their farms and say they can't be used for anything else but agriculture, they can't sever a lot for their retirement and pass the rest of it on to their son, if we put so many restrictions on them, when those prices get depressed, they go bankrupt. They lose their farms. They lose their families. It has happened; it's in the history of Ontario. So we have to be very, very careful when we tread in this area.

I think it's more important for us to ask, how can we continue to help the farmers? We've done a lot, this government, since we've been in office, to do that through taxation changes. How can we continue to make them economically viable? If they are economically viable, and they have been for the past four years especially, the farmers, more than anybody else in this province, will continue to farm their property, will stay on the farms. I think that's the important point we have to make.

I could go on quite a bit longer. Mr Ziraldo of my grape growers—I have the greatest respect for Mr Ziraldo, who has spearheaded this move in my area. Many years ago, Mr Ziraldo, I'm told by my grape growers, severed parts of his farmland in order to raise capital to invest in his winery. He is now a very successful winery person, and I can understand why he has this position of protecting this agricultural land. My grape growers reminded me of that fact many years ago. Doing something like this limits that flexibility for those farmers today and may not be fair.

I can't support the resolution. I appreciate the sentiment of the resolution, but I think there are a lot of other ways the farming community would rather approach this problem. As I said, our farmers, more than anybody in this room, want to keep their land agricultural, but this is not the right way to do it.

1150

Mr Colle: I'm shocked by the member from Niagara Falls, first of all attacking one of Canada's most famous wine producers, Mr Ziraldo, and also denying my colleague's initiative here, which is non-partisan. The member from St Catharines is saying he wants the

government, in a non-partisan way, to look at ways of implementing provincial policies to protect these very precious agricultural lands in the Niagara region. I'm really shocked the member from Niagara Falls would not take that olive branch from the member from St Catharines, no pun intended.

The point here is that this government is standing on the sidelines and is missing in action as we're losing one of the most precious resources we have as Canadians, as Ontarians, and that is our farmland, our prime farmland. As the member from St Catharines said, in the Niagara region we have, next to the Okanagan Valley and the Annapolis Valley, some of the most precious lands in North America, which are being jeopardized by the greed of developers who want to pave and put these cookie-cutter subdivisions over this precious farmland.

I look at the young pages here, and I hope they take up the battle to preserve our farmland, because I think a lot of our young people presume that all our agricultural products, our fruits and vegetables, are imported from the United States or Mexico. They don't realize some of the most precious vegetables and fruits and some of the best-tasting fruits and vegetables, not to mention our wines, come from the Niagara region.

If we don't listen to the alarm being sounded by the member from St Catharines, we will lose these precious lands. I know we are losing thousands of hectares a day in the greater Toronto region. Some of the most precious farmlands are being paved over by greedy developers. This government stands by and encourages this. They even weakened the Municipal Act; it used to be tough, and municipal laws had to be consistent with provincial legislation. They weakened it and now have this wishy-washy "have regard to." So they are basically just listening to developers who want to make a quick buck and jeopardize these precious lands that we have, which are not only going to provide good fruits and vegetables for us today but for generations to come.

Once these lands are paved over, we can't get them back. They're gone forever. So unless the municipal affairs ministry gets off its rear end and stops allowing this free-for-all on farmland, we are going to lose these farms forever and ever. These are not just ordinary farmlands, by the way, as the member from St Catharines said. These are some of the most sensitive in all of Canada. The member also mentioned a very disturbing decision made by the Ontario Municipal Board. The friends of developers—the Ontario Municipal Board—allowed 200 acres of very precious farmland in the town of Pelham to be paved over.

Mr Bradley: It was 500.

Mr Colle: Now it's up to 500 acres. That was a landmark decision where the Ontario Municipal Board—again, the friends of developers, the OMB—allowed this land to be paved over. It's incredibly insensitive to the agricultural needs and the environmental sensitivities of that land in Pelham. The OMB allowed this to be paved over.

This government is not doing its job. It has no policies. It is again as I said, standing on the sidelines allowing development to take place indiscriminately. We are, on a daily basis, losing farmland. This farmland will not only provide good food, it's also good economic activity. Our countryside provides not only good farmland, it's a great tourism area. Look at the great tourism in the Niagara region. They don't go there to see the cookie-cutter townhomes being built. People visit the Niagara region to see the beautiful grape vineyards. That's what they go for. Inniskillin—I was there just a few months ago. I know that one of Canada's greatest architects is going to build another winery in that area for Jackson-Triggs.

Good farming, good food, good water. I don't know why this government is allowed to get away with this, why they're allowed to basically let this precious resource be destroyed by a lack of any protections. Whether you're in the Oak Ridges moraine, King City, Uxbridge or the Niagara region, whether you're near Welland, Essex county, the wonderful tomatoes of Leamington, this government should be ashamed of itself for doing nothing but listening to developers.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I agree with the sentiments of this resolution in the sense that as a society, to quote the resolution, we need "long-term protection for the unique agricultural areas."

Generally speaking, I support measures to keep high-quality agricultural land in production, but I point out to the House that there is a wide variance in agricultural land across this province. There is a wide variety of soil types and a wide variety of topography, even across farmland in my riding, even across my own farm. In my region we have clay in the east and sand in the west. To the north of my riding, dairy farmers in Oxford have a much different view, a view of more restrictions on urban development and severances, than many farmers to the south in my county of Norfolk. Certainly farmers in the rich agricultural counties in Kent, Essex, Lambton, Perth and Huron often take a very different view from farmers in Grey and Bruce, a different view from people who own marginal land in eastern Ontario.

So I have a concern with this resolution. Ontario, let alone rural Ontario, is not a homogeneous zone. One size does not fit all. A top-down, centrist approach driven by Queen's Park is not the answer.

I point out that we went through this with the Toronto-oriented Sewell direction in this area—John Sewell, the ex-mayor of Toronto. This came up in consultations during the Mike Harris Task Force on Rural Economic Development, where they travelled the province and heard very clearly the disgruntled feelings and opinions on that Toronto-oriented provincial approach to what should be local land use planning.

The Deputy Speaker: The member for St Catharines has two minutes.

Mr Bradley: I want to thank the members of the Legislative Assembly who have contributed to this

debate. There has been some good discussion of a very important issue, which I believe is urgent at this time.

I must confess to being somewhat surprised by expressions of opposition to the resolution because it's worded in a very moderate, non-partisan and reasonable way. In fact, this is a resolution that emanated from St Catharines city council, and there are people on St Catharines city council who might well want to see their boundaries expanded, but they recognize the problem that exists with preserving agricultural land.

As I indicated during my earlier remarks, I believe you have to have a viable farming business. This means that those of us who are decision-makers should be prepared to assist farmers when that assistance is necessary. I mentioned the plum pox virus, I mentioned other catastrophes which hit farmers, and I am certainly supportive of policies that will help them in terms of their ability to farm in this province.

I had actually hoped there would be unanimous support for this resolution. I didn't word it in a partisan way. I said I didn't want to get into finger pointing or things of that nature because I don't think it's productive. The problem is too important to get into that kind of partisan exercise.

There is one change I would recommend a committee look at, for instance, and that's the policy statement which says "have regard to" as compared to what it used to be, "be consistent with," because I think "have regard to" allows the kind of flexibility that means we're going to see more and more of our farmland disappear. I know there are people who are uncomfortable with "be consistent with." That's why I really think that, as you had in the days of minority government, a select committee on the future of agricultural land would be a marvellous opportunity for members of all parties to deal with a very complex issue.

The Deputy Speaker: The time for this ballot item has now expired.

PROTECTION OF CHILDREN ON SCHOOL BUSES ACT, 1999

LOI DE 1999 SUR LA PROTECTION DES ENFANTS DANS LES AUTOBUS SCOLAIRES

The Deputy Speaker (Mr Michael A. Brown): We will deal with ballot item number 47. Mr Hoy has moved second reading of Bill 24. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

There will be a five-minute bell, but first we will deal with ballot item number 48.

PROTECTION OF AGRICULTURAL AREAS

The Deputy Speaker (Mr Michael A. Brown): Mr Bradley has moved private member's notice of motion number 27. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members.

PROTECTION OF CHILDREN ON SCHOOL BUSES ACT, 1999

LOI DE 1999 SUR LA PROTECTION DES ENFANTS DANS LES AUTOBUS SCOLAIRES

The Deputy Speaker (Mr Michael A. Brown): We will call in the members for second reading of Bill 24, ballot item 47. It will be a five-minute bell.

The division bells rang from 1201 to 1206.

The Deputy Speaker: All those in favour will please rise and remain standing until their name is called by the Clerk.

Ayes

Amott, Ted	Dunlop, Garfield	Munro, Julia
Baird, John R.	Ecker, Janet	Mushinski, Marilyn
Barrett, Toby	Gerretsen, John	Newman, Dan
Bartolucci, Rick	Gilchrist, Steve	O'Toole, John
Bountrogianni, Marie	Gill, Raminder	Ouellette, Jerry J.
Boyer, Claudette	Guzzo, Garry J.	Patten, Richard
Bradley, James J.	Hastings, John	Pupatello, Sandra
Bryant, Michael	Hoy, Pat	Runciman, Robert W.
Caplan, David	Jackson, Cameron	Ruprecht, Tony
Christopherson, David	Johnson, Bert	Sampson, Rob
Chudleigh, Ted	Klees, Frank	Smitherman, George
Coburn, Brian	Kormos, Peter	Sterling, Norman W.
Colle, Mike	Kwinter, Monte	Stewart, R. Gary
Conway, Sean G.	Lalonde, Jean-Marc	Tascona, Joseph N.
Cordiano, Joseph	Marchese, Rosario	Wettlaufer, Wayne
Crozier, Bruce	Mariand, Margaret	Wilson, Jim
Curling, Alvin	Martel, Shelley	Witmer, Elizabeth
DeFaria, Carl	Martiniuk, Gerry	Wood, Bob
Di Cocco, Caroline	Maves, Bart	Young, David
Duncan, Dwight	McLeod, Lyn	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 59; the nays are 0.

The Deputy Speaker: I declare the motion carried.

Pursuant to standing order 96, this bill is ordered to the committee of the whole House.

Mr Pat Hoy (Chatham-Kent Essex): Mr Speaker, I ask that Bill 24 be sent to the general government committee.

The Deputy Speaker: Is it agreed? Would the members who favour having the bill referred to the standing committee on general government please stand and be counted.

All those opposed?

A majority is not in favour. The bill will be referred to the committee of the whole House.

We will open the doors for 30 seconds before we deal with the next ballot item.

PROTECTION OF AGRICULTURAL AREAS

The Deputy Speaker (Mr Michael A. Brown): Would the members please take their seats. We'll now deal with ballot item number 48.

Mr Bradley has moved private member's notice of motion number 27. All those in favour will please stand and remain standing until the Clerk calls your name.

Ayes

Amott, Ted	Duncan, Dwight	Molinari, Tina R.
Baird, John R.	Dunlop, Garfield	Munro, Julia
Bartolucci, Rick	Ecker, Janet	Mushinski, Marilyn
Bountrogianni, Marie	Gerretsen, John	Newman, Dan
Boyer, Claudette	Gilchrist, Steve	O'Toole, John
Bradley, James J.	Guzzo, Garry J.	Patten, Richard
Bryant, Michael	Hastings, John	Pupatello, Sandra
Caplan, David	Hoy, Pat	Runciman, Robert W.
Christopherson, David	Jackson, Cameron	Ruprecht, Tony
Coburn, Brian	Klees, Frank	Sampson, Rob
Colle, Mike	Kormos, Peter	Smitherman, George
Conway, Sean G.	Kwinter, Monte	Sterling, Norman W.
Cordiano, Joseph	Lalonde, Jean-Marc	Tascona, Joseph N.
Crozier, Bruce	Marchese, Rosario	Wilson, Jim
Curling, Alvin	Mariand, Margaret	Witmer, Elizabeth
DeFaria, Carl	Martel, Shelley	Wood, Bob
Di Cocco, Caroline	McLeod, Lyn	Young, David

The Deputy Speaker: Those opposed will please stand and remain standing until their name is called.

Nays

Barrett, Toby	Johnson, Bert	Stewart, R. Gary
Chudleigh, Ted	Martiniuk, Gerry	Wettlaufer, Wayne
Gill, Raminder	Maves, Bart	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 51; the nays are 8.

The Deputy Speaker: I declare the motion carried.

All matters relating to private members' public business now being completed, I will leave the chair to return at 1:30 of the clock.

The House recessed from 1212 to 1330.

MEMBERS' STATEMENTS

CHILD AND FAMILY SERVICES

Ms Caroline Di Cocco (Sarnia-Lambton): My statement today is to bring to the attention of this House the fact that the St Clair Child and Youth Services in Sarnia-Lambton will have to shut down its intensive child and family intervention services in March if the Ministry of Community and Social Services does not provide the ongoing, annualized funding.

The minister announced \$20 million of new funding for such programs. The St Clair Child and Youth Services began a much-needed, intensive intervention ser-

vice with the understanding that the funding would not be a one-time allocation, but would be long-time funding.

Unfortunately, the Sarnia-Lambton community was not among those slated for ongoing funding. What is unfair about this matter is that some centres in the province, providing the same service, have received annualized, ongoing funding to support intensive programs. Surely the need that led the Ministry of Community and Social Services to fund the intensive service on a provincial basis is as pressing in Sarnia-Lambton as it is across the province.

Dalton McGuinty and the Liberal caucus believe that the retention of the intensive child and family service on an annualized, ongoing basis is essential and that the funding should be applied equitably across this province. I ask Minister Baird to do the honourable thing and provide this ongoing funding.

ENVIRONMENT INDUSTRY

Mrs Brenda Elliott (Guelph-Wellington): I'm very pleased to draw the attention of the House today to the fact that this is the second annual Environment Industry Day at Queen's Park. This is an excellent opportunity for representatives of Ontario's environment industry to meet with elected officials. The event is organized by the Canadian Environment Industry Association—Ontario, in partnership with the Ministry of the Environment.

Roughly half of the Canadian environment industry is located right here in Ontario. There are more than 2,000 companies in this sector, employing upwards of 60,000 people. The industry has grown by 25% since 1995, and according to Statistics Canada generates some \$6 billion in annual revenues.

Before I came to this place, I was part of an organization called the Ontario Round Table on Environment and Economy. Like so many people, I understood at the outset that environmental protection and sustainability go hand in hand with economic prosperity. The people involved in this organization know this full well. They have a tremendous resource of expertise. They are creators of innovative products. They produce products that are sold all around the world and they enable governments like Ontario to ever improve our standards, to provide services that benefit all our citizens with a cleaner environment.

The Ontario government is committed to working with the environment industry sector to ensure that it flourishes at home and in the international market for these products and services.

We are joined by several members, and I ask my colleagues to welcome them today to the Ontario Legislature.

MEMBERS' COMPENSATION

Mr Rick Bartolucci (Sudbury): The last few years have been very difficult for many Ontarians, particularly northerners who have been forgotten by the Harris gov-

ernment. When it comes to our severe doctor shortage, hospital underfunding, health care apartheid, the crisis in education, the failure to develop economic diversification for the north, huge municipal restructuring costs, the effects of downloading, all this and more has been dumped in our laps courtesy of our part-time Premier, Mike Harris.

But today I stand to congratulate Ontarians on their recent victory. We've seen over the past few days the effect that a strenuous united lobby can have. We, the people of Ontario, have forced Mike Harris to reluctantly back away from the trough and to cancel his plan for an obscene 42.2% pay raise. This is a tremendous victory when you consider that the democratic process has been sharply eroded under Mike Harris. It was not a sense of fairness that caused the Premier to blink; it was an act of self-preservation and political survival, pure and simple. But the damage has been done.

We were once environmental leaders; now we're second only to Texas as the worst polluters. Millions of taxpayers' dollars are being frittered away promoting Mike Harris. Labour fairness is a thing of the past, and Mike Harris wanted a 42% pay raise for a job well done. His job hasn't been well done. The people of Ontario have won this round and I congratulate the people of Ontario.

DISTRICT SCHOOL BOARD OF NIAGARA

Mr Peter Kormos (Niagara Centre): The people of Welland must have their democratic right to elect their trustee to the District School Board of Niagara. Don Reilly, a long-time educator, trustee, board chair, was the only candidate to file prior to the deadline for filing papers seeking a position. Tragically and regrettably, Don Reilly, at a great loss to the community, passed away before the election. That means there is no runner-up. It means there is a vacancy without an election and the board so far has received some very ambiguous messages from the Ministry of Education.

The suggestion is that the new board will merely appoint a representative from Welland for the full three-year term. That quite frankly is unacceptable to the people of the city of Welland. It is grossly undemocratic and it does not serve the district board or the educators or the students in Niagara well.

I'm calling upon the Minister of Education to address this matter immediately. One of the issues, of course, is the funding that would be necessary to have an election. There are candidates eager to compete for the position. It is essential because these positions become more and more important with the megaboard; to wit, in Niagara a board that covers all of Niagara region, the Niagara district board.

We must have this Minister of Education involving herself to ensure that the people of Welland have the right to democratically elect their trustee on the Niagara district board of education.

VALLEYS 2000

Mr John O'Toole (Durham): There never seems to be a lack of positive things happening in my riding of Durham. I think everyone here would agree with that.

Today I want to tell the people of Ontario what one dedicated group of individuals is doing in the town of Bowmanville to help preserve our natural environment. Reverend Frank Lockhart is the moving force behind one of the province's millennium projects called Valleys 2000. He and other local residents like Al Strike, Carl Schenk, Dave Lawson and Bob Simpson are working hard to ensure that everyone can enjoy the valley lands adjacent to Bowmanville Creek. To date, 600 trees have been planted and two public trails have been created.

The project's chair, Reverend Lockhart, committee member Carl Schenk and several volunteers have spent a considerable amount of time clearing brush and making trails accessible for hikers. This is just the beginning of a project that has captured the interest and imagination of many local residents who want to be part of the vision. Local businesses are also involved. Blue Circle Cement has donated crushed rock for the trails, and Watson's Farm has given the group several large boulders to be used as lookout points.

Stopping erosion on Bowmanville Creek was one of the main goals of Valleys 2000. People would like to be able to walk into the area. Organizers hope to eventually extend the trail to Soper Creek. This is an environmental initiative, taking care of our environment.

With respect to that, I want to thank the members of the environment industry who are here in the gallery today for the work and the private sector people who protect the environment we all enjoy.

PROFESSION D'ENSEIGNANT SCHOOLTEACHERS

M^{me} Claudette Boyer (Ottawa-Vanier) : J'aimerais aujourd'hui parler de la situation qui prévaut actuellement dans notre système d'éducation. Présentement, comme vous le savez, il y a des enseignants et des enseignantes qui sont en grève et d'autres qui en font la menace.

It is documented that in the industry sector the average number of people on long-term stress leave is seven per 1,000. Within the Ministry of Education's own department, that number is 10 per 1,000. But most troubling is that the number of teachers, yes, teachers, on long-term stress leave is an unacceptable 17 per 1,000. These are the people whose job it is to teach our children the basics, and yet they cannot do this to the best of their ability because school boards are underfunded, resources are mismanaged and the demands placed upon them are overwhelming.

En faisant la grève, il ne faut pas penser que cette situation est la faute des enseignants et des enseignantes. Non, ce ne sont pas eux qui sont trop demandants. Ce qu'ils demandent, c'est simple. C'est un respect pour leur

travail, des ressources convenables, un salaire adéquat et un climat de travail stable où le gouvernement travaille avec les enseignants et les enseignantes, un climat propice à l'apprentissage. Avec Dalton McGuinty et mes collègues, je me range du côté des enseignants et enseignantes pour dénoncer l'arrogance et l'incompétence de ce gouvernement.

KARLA MARIA VEGA

Mr Wayne Wettlaufer (Kitchener Centre): I rise today to pay tribute to a young local hero in my riding, Karla Maria Vega. Ms Vega was a recipient of a fire safety award on Friday, November 3. These are handed out annually by the fire marshal. She received her award because of an incident involving a fire in her townhouse earlier this year.

What happened in that fire—understand that her parents came here from Colombia 10 years ago and their first language is Spanish—is that when the fire broke out in her townhouse, her mother panicked. When she dialled 911 to speak to the fire department, she immediately started speaking Spanish. She panicked and spoke Spanish and they couldn't understand what she was trying to report. So young Miss Vega, 10 years old, took the phone from her mother and translated for her. After the phone call she immediately went out and started knocking on the doors of all the neighbours. The next-door neighbours were asleep, having worked the night shift. She knocked on the door, woke them up and got them out. Her main concern was the parents of her friend next door. So I'd like to have all the House join with me in paying tribute to our young hero, Karla Maria Vega.

1340

SCHOOL BUS SAFETY

Mr Pat Hoy (Chatham-Kent Essex): Today I want to pay tribute to Larry and Colleen Marcuzzi and also to Ed and Ginny Loxton. They have taught me the meaning of courage, selfless commitment and determination. Both these families lost daughters who were killed by reckless drivers who ignored the school bus warning lights and snuffed out two young lives.

The Marcuzzi and Loxton families have been willing to come forward to share their pain with the public. They have allowed an intrusion into their very private grief in order to spare any other family the lifelong ache to which they have been sentenced. They support my school bus bill and they have done more to advance vehicle liability than anyone could reasonably expect.

They are normal people, not political or partisan, but they were heartsick and horrified here today to see the hypocrisy and political games employed by members of their government as they voted in favour of my bill before they sentenced it to death. They want the members opposite to know that the battle is not over; in fact, it has probably strengthened our resolve. We hope the arrogance and sheer duplicity of the members opposite will

ultimately make it easier for us to convince the public that such indifference to the children of Ontario cannot be tolerated.

Thank you to both families from the bottom of my heart. We will not give up. We will prevail and Ontario schoolchildren will be protected by vehicle liability.

PUBLIC SAFETY

Mrs Julia Munro (York North): I rise today to speak about my community's concern over public safety. We all have the right to be safe from crime. We should be able to walk in our communities, use public transit, sleep in our homes and send our children to school without fear.

Our government has made law enforcement a priority. We now have 55% more crown attorneys to prosecute criminals and clear the backlog of cases that were allowed to build up by the Liberals and NDP. We have hired 1,000 more front-line police officers in our communities and have provided support to the men and women who risk their lives to protect ours. We're investing in technology to make the justice system more efficient. We're closing old jails designed for minimum security and replacing them with modern, new jails built to maximum security standards.

But there is still more to do. Next week I will be introducing a private member's resolution that will address an issue that is of concern: the frequent use of alcohol and drugs in our correctional institutions by inmates. Many inmates in correctional institutions are found to have some degree of drug/alcohol dependency. The presence of illegal substances in the institution increases the danger to and compromises the safety and security of staff and inmates. Having drugs inside institutions also makes it more difficult for offenders undergoing treatment programs to successfully overcome their addictions and recover. Our goal is to ensure that inmates can successfully integrate back into the community.

SUPPLEMENTARY ESTIMATES

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I have a message from the Honourable the Lieutenant Governor, signed by her own hand.

The Speaker (Hon Gary Carr): The Lieutenant Governor transmits supplementary estimates of certain sums required for the services of the province for the year ending 31 March 2001, and recommends them to the Legislative Assembly.

REPORTS BY COMMITTEES

STANDING COMMITTEE
ON GENERAL GOVERNMENT

Mr Steve Gilchrist (Scarborough East): I beg leave to present a report from the standing committee on general government and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill as amended:

Bill 119, An Act to reduce red tape, to promote good government through better management of Ministries and agencies and to improve customer service by amending or repealing certain Acts and by enacting two new Acts / Projet de loi 119, Loi visant à réduire les formalités administratives, à promouvoir un bon gouvernement par une meilleure gestion des ministères et organismes et à améliorer le service à la clientèle en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.

The Speaker (Hon Gary Carr): Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Pursuant to the order of the House dated October 17, 2000, the bill is ordered for third reading.

STANDING COMMITTEE
ON ESTIMATES

Mr Gerard Kennedy (Parkdale-High Park): I beg leave to present a report from the standing committee on estimates.

Clerk at the Table (Mr Todd Decker): Mr Kennedy from the standing committee on estimates reports the following resolutions:

Resolved that supply in the following amounts and to defray the expenses of the following ministries and offices be granted to Her Majesty for the fiscal year ending March 31, 2001:

Ministry of the Environment—

Mr Kennedy: Dispense.

The Speaker (Hon Gary Carr): Dispense? Agreed.

COMMISSIONERS OF ESTATE BILLS

The Speaker (Hon Gary Carr): I beg to inform the House that the Clerk has received a favourable report from the Commissioners of Estate Bills with respect to Bill Pr26, An Act respecting the Bank of Nova Scotia Trust Company and National Trust Company. Accordingly, pursuant to standing order 86(e), the bill and the report shall stand referred to the standing committee on regulations and private bills.

INTRODUCTION OF BILLS

CONTINUED PROTECTION FOR
PROPERTY TAXPAYERS ACT, 2000LOI DE 2000 POURSUIVANT
LES MESURES DE PROTECTION
DES CONTRIBUABLES FONCIERS

Mr Eves moved first reading of the following bill:

Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Minister of Finance for a short statement?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): Very briefly, we are introducing a bill today which extends the business tax caps that have been in place in the province for the last three years, exactly as we said we would do. We are also providing municipalities with the tools once again that were made available to them in 1998, which is a cap, optional property taxes, graduated tax rates, municipal tax reductions and phase-ins.

We're also taking this opportunity to accelerate the business education tax cut for the year 2001. There will be an additional \$130-million reduction to business taxes as opposed to \$65 million in 2001. This will bring the total annual business education tax reduction to \$325 million a year.

REMEMBRANCE DAY OBSERVANCE
AMENDMENT ACT, 2000LOI DE 2000 MODIFIANT LA LOI
SUR L'OBSERVATION DU JOUR DU
SOUVENIR

Mr Wood moved first reading of the following bill:

Bill 141, An Act to amend the Remembrance Day Observance Act, 1997 / Projet de loi 141, Loi modifiant la Loi de 1997 sur l'observation du jour du Souvenir.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Bob Wood (London West): This bill grants employees the right to take a leave of absence from work without pay of up to three hours between 10 am and 1 pm on each Remembrance Day so that they may participate in observances for those who died serving their country in wars and in peacekeeping efforts. Attendance was up at Remembrance Day ceremonies this year in many

communities in Ontario and this was due, in part, to the fact that many were not at work on a Saturday. This bill, if passed, will give almost everyone the chance to observe Remembrance Day in the way that he or she deems most appropriate.

1350

HUMAN TISSUE GIFT AMENDMENT ACT
(TRILLIUM GIFT OF LIFE NETWORK), 2000

LOI DE 2000 MODIFIANT LA LOI
SUR LE DON DE TISSUS HUMAINS
(RÉSEAU TRILLIUM
POUR LE DON DE VIE)

Mrs Witmer moved first reading of the following bill:

Bill 142, An Act to amend the Human Tissue Gift Act / Projet de loi 142, Loi modifiant la Loi sur le don de tissus humains.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I'll be making a statement later.

GIOVANNI CABOTO DAY ACT, 2000

LOI DE 2000 SUR LE JOUR
DE GIOVANNI CABOTO

Mr Mazzilli moved first reading of the following bill:

Bill 143, An Act respecting Giovanni Caboto Day / Projet de loi 143, Loi sur le jour de Giovanni Caboto.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Frank Mazzilli (London-Fanshawe): Very briefly, this bill proposes that June 24 be proclaimed Giovanni Caboto day, in honour of the Italian explorer who arrived on Canada's shores on June 24, 1497.

STATEMENTS BY THE MINISTRY
AND RESPONSES

ORGAN AND TISSUE DONATION

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I rise in the House to introduce a very important piece of legislation, the Human Tissue Gift Amendment Act (Trillium Gift of Life Network), 2000, legislation which builds on the outstanding work of the Premier's Advisory Board on Organ and Tissue Donation and moves the government closer to its millennium goal of doubling donor rates by 2005.

This past January, Premier Harris established an Advisory Board on Organ and Tissue Donation that was chaired by Mr Don Cherry. This nine-member advisory board was asked to consult with donors, recipients,

families, hospitals, doctors, nurses, health professionals and international experts, and come back with recommendations on how to improve and save the lives of many more people in Ontario.

I would like to take this opportunity to personally thank the board members, a number of whom are with us here in the Legislature today. I would like to recognize Bob Nesbitt, Fides Coloma and Maria Kjerulf for the work that they have accomplished on our behalf.

I know that the individuals who participated on the Premier's advisory board and on the phase 2 transition team donated generously of their time and expertise, and certainly, on behalf of the government and the people of this province, we want to thank them. I also want to thank staff of the Ministry of Health and Long-Term Care, Mary Beth Valentine and Allison Kelly, for the work they have done to support this board.

The result of their hard work, the Action Plan for Ontario, provided the framework for the legislation which I am proud to introduce today. Specifically, this legislation creates a new central agency, the Trillium Gift of Life Network, to plan, coordinate and support organ and tissue donation across Ontario; requires that hospitals notify the network when a potentially suitable donor becomes available; ensures that specially trained staff in hospitals talk to patients and families about opportunities for organ and tissue donation; and results in organ and tissue donation policies, as well as donation committees and donor coordinators, in designated Ontario hospitals.

Each year in Ontario, approximately 600 people receive organ transplants. For many patients, this much-needed surgery means a longer, better life. But it also means training individuals on how to approach donor families in a compassionate and sensitive way, providing people with the information they need and providing them with opportunities to make informed choices. We believe that this legislation today will go a long way in creating the framework to ensure that that takes place.

I want to emphasize that this legislation will continue to respect the rights of individuals and their families to make the decisions about organ and tissue donation that make them most comfortable. Critical to this strategy is that organ donation continues to be voluntary. We recognize that organ and tissue donation is an important and difficult choice that individuals and families make.

We cannot substantially increase our organ donor rate and organ transplants without a system that will deal with the current complexities. It was clear in the report of the Premier's advisory board that no single action will address all the complex concerns, nor will it increase the donor rate. The legislation, therefore, establishes a clearly mandated agency, the Trillium Gift of Life Network, that will lead a number of initiatives and report to the Minister of Health and Long-Term Care.

The Trillium Gift of Life Network would plan, promote and coordinate organ and tissue procurement and distribution in Ontario, and it will work closely with hospitals and health providers to develop methods to best deliver organ and tissue donation services.

The government has already taken a number of important steps to support organ and tissue donation. We have announced increased funding for organ and tissue donation and transplantation to over \$120 million by 2005. We have added 41 new dialysis units across the province to expand kidney dialysis services for those who are waiting for kidney transplants. The topic of organ and tissue donation has been recently added to the grade 11 and 12 health, physical education and science curricula.

Through this legislation, the government is implementing the action plan of the Premier's Advisory Board on Organ and Tissue Donation to ensure that transplants are more widely available to the people of Ontario. We have the clinical and technological advancements to help us move forward. The success rate of organ and tissue transplants is growing fast. More lives can be saved.

With the enactment of the Human Tissue Gift Amendment Act, I am confident that the future of the people of Ontario who need organ and tissue transplants, whether they are children, seniors or others, will be brighter and more hopeful through this legislation. I urge all members of this Legislature to support the passage of this bill as quickly as possible.

1400

Mrs Lyn McLeod (Thunder Bay-Atikokan): I too want to join with the minister, on behalf of my caucus, in commending the advisory board on all the work that has been done in encouraging more Ontarians to agree voluntarily to make organ donations.

I'm sure all of us share in the satisfaction that the rate of organ donations has risen by some 40% over the course of the last year. We look forward to seeing a constant increase in that rate. I think it's important that we acknowledge how important this continued progress is to the approximately 1,500 people who are waiting in Ontario for organ donations. An organ transplant is truly life-giving in ways that certainly benefit the individual and the individual's family, but in every case in ways that have untold spinoffs that benefit many others.

I want to take a moment to tell the story of Gary Cooper, a constituent in Thunder Bay, an OPP officer who came to Toronto about a year and a half ago for a liver transplant. It was touch and go, in the weeks Gary Cooper and his wife spent in Toronto, as to whether he would make it to the point where he actually received that life-giving transplant. Michael Gravelle and I had lunch with Gary Cooper and his wife the day before he got the call that there was in fact an organ and he was next on the list to receive the transplant. At that point, he and his wife were literally living from hour to hour on hopes and on prayers that there would be a donor and that he would be a successful recipient. Gary Cooper is alive, he's well, he's active, as he always has been, contributing to our community in a whole host of ways.

One of the ways in which he has returned the gift of life he received through an organ transplant has been to establish a foundation to assist northwestern Ontario residents with the financial costs of having to live away

from home for the months they often have to wait for that suitable organ donor.

That's why, in sharing in the commendation of the work that's being done and the hopes of the progress we're going to see in the future, I also want to recognize today that it isn't enough simply to encourage the donors, that the government has an extremely important, vital contribution to make to the success of an organ donor and transplant program. The government has an absolute responsibility to make sure that our hospitals have all the resources they need to ensure that when there is an organ available and when there is a recipient there, that operation can take place immediately.

We have heard from time to time horrific, tragic stories of organs being lost because there wasn't an operating room open, or a critical care bed. I don't ever want to bring those kinds of stories into this Legislature because the hospitals have not had the resources, financial or staff. We know there is a significant shortage of physicians and of operating room nurses and of anaesthetists. Those are all important components of a strategy and approach that must be in place if the government is serious about making sure that organ donors will know that their vital donation is being successfully used in a transplant operation to give that life to a new recipient.

I also want to take a moment to recognize the fact that there is not equal access in this province today for people to receive that life-giving organ transplant. I speak of course of people from northern Ontario who do have to travel to large centres and who have to wait for weeks, and sometimes months, if they're going to be available to receive that life-giving organ. I know there are situations in my part of the province where people who are on low incomes, people who indeed are on government support, family benefits, cannot become recipients of organ transplants because they simply don't have the financial resources to make that possible; and I believe the government must address this too.

We will want to consider in some further detail the way in which the legislation deals with the very sensitive issue of the required consent of family. It's my understanding that the legislation does stop short of actually requiring that every family facing a bereavement be approached with a request for organ donation. It's my understanding that the network, the agency that is to be established, would be given that flexibility to determine, to set protocols and procedures for the designated facilities. And so we'll look to get a sense of how that very sensitive issue might be approached. We'll also look to see whether there's enough room in this legislation to allow for some alternative routes, such as allowing donor cards to be given predominance in any decision that's made. We'll look forward to some further exploration of this very important legislation.

Ms Frances Lankin (Beaches-East York): I too want to offer my support as health critic for this important legislation. Of course that won't come as a surprise to the minister, given that on May 31 I introduced a private member's bill, also a Human Tissue Gift Amendment

Act, 2000, which sought to accomplish exactly what is in this piece of legislation: the establishment of a routine referral system and an organization to accomplish that.

I join with the minister in offering thanks for the hard work of the Premier's advisory committee. I had an opportunity to meet with members of that advisory committee and seek their input on my private member's bill, along with a number of other organizations, and I think we are all quite confident that this legislation will have a dramatic impact.

If I may share with members of the House other jurisdictions that have proceeded along this line and what has happened, in Pennsylvania, for example, they implemented a system of universal referral and training, and thus far they've seen a 45% increase in suitable potential organ donor referrals, a 26% increase in organ donations, and a 50% increase in organ transplants. That's after only three years. It's quite remarkable. It is the highest success rate in the United States, and one of the highest in the world. Their rates are twice the average in Canada. We have a long way to go, and this legislation will help. Other jurisdictions, such as the country of Spain, have similar legislation with similar results. North Carolina, which passed its legislation in October 1997, has experienced an increase in transplants of approximately 50%. British Columbia has also recently implemented universal referral and training legislation.

The impact of these new programs has been so significant that similar legislation has also been introduced or passed in Arizona, New Jersey, New York, Maryland, Tennessee, and Illinois. In fact, that prompted a national action by the Vice-President of the United States, who announced a national organ and tissue initiative which included regulations for universal reporting of all potential organ and tissue donors to procurement organizations.

We are doing the right thing in Ontario by proceeding with this. Once again, I have to say to the Minister of Health, as you thank everyone, let me add my thanks to legislative research and legislative counsel, who put in so much work on the private member's bill which sits on the docket here today, and also Brandy Miller, a former legislative intern who did much of the research work in assisting me in bringing forward that private member's bill. It always amazes me how the government fails to mention when other people have done work on this, and I want to take that opportunity to include those people in our collective thanks from the Legislature today.

I would say to the minister that her omission of any reference to Bill 82 and to the private member's initiative that has been brought forth could be made up for. Next week I have another private member's bill which involves the health jurisdiction of this minister. She is well aware of it. It is an act to regulate the non-medical restraint of patients in acute care hospitals. Many of you have received or will be receiving from me personal correspondence in which I tell you the story of my mother, a patient who has diffuse Lewy body disease, who has symptoms of both Parkinson's and Alzheimer's,

someone who has mild dementia and who has on more than one occasion now been tied into her bed at night in an acute care hospital. The policies in our acute care hospitals are not consistent. Where we have laws and regulations affecting psychiatric hospitals, long-term-care facilities, nursing homes, we don't affecting acute care hospitals.

I can tell you that while it will never happen to my mom again because she has an advocate, she has someone who will take care of her, I want to share with you that in speaking with geriatricians across this province, I am told it is not unusual on any night in this province for hundreds of elderly seniors to be restrained simply because of a matter of confusion and because we lack either the policies, the hospital culture and/or, more importantly, the front-line staff to give adequate care, and instead we resort to restraint of these individuals. All research shows that not only is this an inhumane physical assault on the individual; it is very dangerous to their health. It does not, as is suggested, protect them from falls. In fact, it increases dementia confusion and increases the number of falls that happen once a person is taken out of restraints.

I know there will be controversy among some of the professional groups and among the hospital community, although some have already indicated support. I know that a vast number of seniors' organizations are very supportive of this initiative, and I would ask the minister to give an opportunity for that bill to go to second reading and then to committee so that we can debate this very important issue in the province of Ontario.

DEFERRED VOTES

TOUGHEST ENVIRONMENTAL PENALTIES ACT, 2000

LOI DE 2000 SANCTIONNANT PAR LES PEINES LES PLUS SÉVÈRES DES INFRACTIONS DE NATURE ENVIRONNEMENTALE

Deferred vote on the motion for third reading of Bill 124, An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in respect of penalties / *Projet de loi 124, Loi modifiant la Loi sur la protection de l'environnement, la Loi sur les ressources en eau de l'Ontario et la Loi sur les pesticides en ce qui concerne des peines ayant trait à l'environnement.*

The Speaker (Hon Gary Carr): Call in the members; this will be a five-minute bell.

The division bells rang from 1410 to 1415.

The Speaker: Mr Newman has moved third reading of Bill 124. All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Dunlop, Garfield	Newman, Dan
Arnott, Ted	Ecker, Janet	O'Toole, John
Baird, John R.	Elliott, Brenda	Palladini, Al
Barrett, Toby	Eves, Ernie L.	Phillips, Gerry
Bartolucci, Rick	Gilchrist, Steve	Pupatello, Sandra
Beaubien, Marcel	Gill, Raminder	Runciman, Robert W.
Boyer, Claudette	Hardeman, Ernie	Ruprecht, Tony
Bradley, James J.	Hodgson, Chris	Sampson, Rob
Bryant, Michael	Hudak, Tim	Smitherman, George
Caplan, David	Jackson, Cameron	Snobelen, John
Chudleigh, Ted	Johnson, Bert	Spina, Joseph
Clark, Brad	Kells, Morley	Sterling, Norman W.
Clement, Tony	Kennedy, Gerard	Stewart, R. Gary
Coburn, Brian	Klees, Frank	Stockwell, Chris
Colle, Mike	Kwinter, Monte	Tascona, Joseph N.
Conway, Sean G.	Lalonde, Jean-Marc	Tilson, David
Cordiano, Joseph	Marland, Margaret	Tumbull, David
Crozier, Bruce	Maves, Bart	Wettlaufer, Wayne
Cunningham, Dianne	Mazzilli, Frank	Wilson, Jim
Curling, Alvin	McLeod, Lyn	Witmer, Elizabeth
DeFaria, Carl	Molinari, Tina R.	Wood, Bob
Dombrowsky, Leona	Munro, Julia	Young, David
Duncan, Dwight	Mushinski, Marilyn	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 68; the nays are 0.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

ORAL QUESTIONS**DOMESTIC VIOLENCE**

Mrs Sandra Pupatello (Windsor West): Our first question is for the Acting Premier, who perhaps will give leave to the member from Guelph-Wellington, the parliamentary assistant to the minister responsible for women's issues, to respond to this question. The question is that yesterday our Attorney General critic, Michael Bryant, asked the Attorney General if he would in fact change his mind and allow the Liberal amendment in the Domestic Violence Protection Act to be accepted as part of the law. The Liberal amendment would allow judges to seize the guns from abusers before they have the opportunity to hurt women. The Attorney General refused.

What we're asking you today, Acting Premier or the parliamentary assistant to the appropriate minister, is to change your mind. What we're saying is that in our amendment we could actually seize the guns before they hurt women. But the bill currently says that the judges can only seize a gun from an abuser if the abuser has used the gun already or threatens to use the gun. We'd ask this of the office responsible for women's issues because surely those who are there to protect women and women's issues would agree that we want prevention to prevail in this bill. So I ask you, will you in fact change your mind and accept this Liberal amendment?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): First of all, the honourable member was in attendance yesterday and she heard the answer from the Attorney General, but perhaps what wasn't made clear

yesterday was that there is a section in the Criminal Code of Canada, section 111, that allows any judge upon application to prohibit any accused abuser from possessing any firearms whatsoever. That power is already there with judges under section 111 of the Criminal Code of Canada.

Mrs Pupatello: Even if what you're saying is true, it's giving us the sleeves out of your vest. The point is that we are asking you to include a Liberal amendment that will actually allow the judges to seize the guns before they're used or before they're threatened to be used. I am asking the Acting Premier, I'm asking the parliamentary assistant to the minister responsible for women's issues, are there any women in the Conservative caucus who have come forward to stand up for women's rights in this case?

We are suggesting to you that if there is any clear, blatant time that women ought to stand up, where it's completely obvious that you should have included this Liberal amendment, this is the time for you to have stepped forward. I ask any of the women in the Conservative caucus, did any of you come forward to stand up for women who are the subject of domestic abuse in this bill?

1420

Hon Mr Eves: First of all, the power already exists, as I have pointed out, in section 111 of the Criminal Code of Canada. It isn't the purview of provinces or any jurisdictions to pass legislation to reiterate powers that already exist, and this power already exists under section 111 of the Criminal Code of Canada.

The legislation introduced by the Attorney General, the Domestic Violence Protection Act, is extending domestic violence to a broader range of relationships than has ever been done anywhere in Canada in the past, and I think the honourable member should acknowledge that.

Mrs Pupatello: To the Acting Premier, I acknowledge that the simple answer for you was to say yes to the Liberal amendment. The simple answer for the women in the Conservative caucus was to come forward and say that this amendment made sense, that this amendment that said judges could seize the guns before they were used made good sense. The people who sat on that committee when it came forward knew that this made good sense, but you are choosing to be partisan when it comes to the protection of women involved in domestic abuse.

It is so easy to come forward today and just say yes to the protection of women. Allow the judges to seize the guns before they are used or before they are threatened to be used. Acting Premier, let me ask you again. It is so easy to just say yes to the prevention of domestic abuse against women. Will you just say yes?

Hon Mr Eves: I reiterate that in section 111 of the Criminal Code of Canada, a judge may prohibit any accused abuser from possessing any firearm whatsoever. The power is already there and it's Canada-wide.

ONTARIO REALTY CORP

Mr George Smitherman (Toronto Centre-Rose-dale): My question is for the Chair of Management Board of Cabinet. The Ontario Realty Corp is responsible for over \$6 billion worth of government assets, and one would think that as Chair of Management Board you would want to keep a very close eye on any operation that looks after so much money.

But the Ontario Realty Corp isn't just any government operation. For more than a year, serious allegations of fraud and secret commissions have engulfed the ORC. The realty corporation itself has claimed in court that these scandals have cost taxpayers at least \$41 million.

Minister, given the ORC's huge financial responsibilities, the growing allegations of fraud and the ORC's poor track record of protecting tax dollars, can you please tell me why you have directed the government's internal auditors to stay away from the ORC?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): The member of the opposition is right: we have called in auditors, we have called the police, to take a look at some allegations that we think aren't appropriate. That's going through the proper process, and I think he's well aware of that. As for his specific allegation today, I don't know what he's talking about, but I'm sure in his supplemental he'll elaborate.

Mr Smitherman: "I don't know what he's talking about." Truer words have not been spoken recently.

Minister, I have in my hands, and I've asked the page to give it to you, an internal report to the president of the Ontario Realty Corp. It flows from an ORC executive update meeting, and I have to tell you it's very clear. It says the Management Board Secretariat wishes ORC to operate without MBS internal auditors except for forensic audit.

In light of what we have seen, Ontario Liberals believe that Ontario taxpayers want a bunch of people with vests and calculators overseeing the wheeler-dealers presently involved in liquidating Ontario's land holdings, because what this really means is that you have no intention of cleaning things up at the ORC. You just want the problems to go away so you can get back to the deal-making. Minister, the simple fact is that the ORC is responsible for over \$6 billion worth of government assets. If that doesn't tell you that your internal auditors should be at the ORC, the fact that \$41 million has been stolen from Ontario taxpayers should.

My question to you is, what are you afraid of? Why don't you want the government's internal auditors examining future deals at the ORC?

Hon Mr Hodgson: I think the member is well aware that the ORC are the ones that have gone to court to try to get back what they perceive to be losses. It will be up to the courts to decide guilt, not up to you or the Liberals or public opinion to say who is wrongfully convicted. Those people deserve their day in court and that's the process we're following.

In terms of the audit, there is a forensic audit going on right now. In terms of the board of directors that looks after the day-to-day operations of the Ontario Realty Corp, all members of this House, through the process of the committee that approves appointees, approved these people. They're qualified. They're doing a good job.

If you have the specific memo I can get you a specific answer on how they are conducting day-to-day operations, but I can assure this House the forensic auditors are looking over all details. This corporation is subject to the same audit requirements that are legislated by this House, and I'm sure they're complying with that. If you would send me over the piece of paper, I can get you a specific answer.

Mr Smitherman: Mr Speaker, I sent the minister over the piece of paper and it had the specific answer, and the specific answer is clear: your staff looked through those recommendations; your staff have made directions to keep the internal auditors out of the Ontario Realty Corp.

While you've been trying to keep them out, the Provincial Auditor has been looking around. Now, I don't know everything that the Provincial Auditor will have to say when he releases his annual report next week, but I do know that he has found other irregularities at the Ontario Realty Corp. While the police have been investigating questionable land sales, this report to the ORC president from its senior executives tells us that the Provincial Auditor has uncovered other serious problems dealing with the way you contract out business. Specifically, he has found three instances where the ORC broke its own rules by giving firms contracts that failed to protect taxpayers through upper limits. In one case, you didn't even bother to get a signed contract.

Minister, if there is one government agency that needs internal auditors around the clock it's the ORC. What are you hiding?

Hon Mr Hodgson: I'll look into the actual allegation here, but I do know that this member phoned over to the realty corporation last week. He was offered a meeting with the senior person in charge of this file so he could get an answer from the person who's in charge of it. He refused to do that. We phoned your critic to try to see if we could set it up. He didn't know what you were talking about. So I'm not sure where he's coming from, other than to say that I will get back to him and ask the board of the ORC, which all members of this Legislature have approved of, to look into it.

LABOUR LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Labour. Yesterday you tabled an amendment to Bill 69, your attack on construction workers in the province that will allow you to go behind closed doors, without any public consultation, and wipe out the bargaining rights of any and all construction workers in the province. It says to construction unions in Ontario, "Get in line and shut up, or we'll wipe you out."

You told construction unions that your amendment would be limited to the eight general construction contractors in the province and would allow them, if they chose, to wiggle out of their union contracts. That would have been bad enough, but when we read the amendment that you tabled, you will give yourself the unilateral power, without any consultation, any discussion, to go into a closed room and with the stroke of a pen wipe out the collective bargaining rights of every construction worker in the province.

Minister, a tinpot dictator in the Third World wouldn't ask for this power. Why do you need it here in Ontario?

Hon Chris Stockwell (Minister of Labour): I kind of remember one of those tinpot dictators, Bob Rae, and the social contract, if you want to talk about tinpot dictators. That's pretty good language to be throwing around, "tinpot dictator."

Look, all it does is allow us to move an amendment by regulation to do for Bill 69 what the unions agreed to, which is to allow the generals out of their acquired working agreement outside of border area 8—that simple. There's nothing new about this. It was agreed to during the negotiations. There's no tinpot dictator. There's nothing about that. It's just a simple amendment to allow us to do the regulation that the unions agreed to.

1430

Mr Hampton: Minister, you should read your own regulation, because what you're trying to do runs completely afoul of all the rules of democracy. Your amendment is such that we asked for a legal opinion, and this is what the legal opinion says:

"The amendment, as worded, is extraordinarily broad and gives the government the unilateral power, through the enactment of regulations, to annul bargaining rights held by unions on behalf of employees in the construction sector, without any limitation on such power, and over the course of one year.

"It is troubling that the government is giving itself the power to make changes which fundamentally affect the interests of employees and employers in the construction sector, by regulation and without recourse to the normal parliamentary process of open debate on legislative amendments."

It doesn't say a word about the eight general construction contractors. It gives you the power to go behind closed doors and wipe out any construction collective agreement. I ask you again, Minister, why do you need the powers of a tinpot dictator in a province like Ontario?

Hon Mr Stockwell: All I can tell you is the amendment gives us power by regulation to do what the unions agreed to do during the negotiations.

Ms Frances Lankin (Beaches-East York): It's broader than that.

Hon Mr Stockwell: If the amendment is broader, it's academic. That's not the law. The law is the regulation, and when they pass the regulation, that's what's taken up in the law. You guys were in cabinet; you should know that. The amendment gives you the power to pass a regulation. I've spoken to the union leadership and told them

what it is we're going to do by regulation. They have come to the table and agreed that is what was agreed to. Unless we do something dramatically different, there's no question here.

The Speaker (Hon Gary Carr): Final supplementary?

Mr David Christopherson (Hamilton West): To the same minister, first of all, not only is it not academic, the fact of the matter is that you have given yourself powers beyond what you need to achieve what you say you want to achieve.

My leader has pointed out that what you're going to do is bad enough in terms of allowing the eight general contractors to wiggle out of their responsibilities, but your amendment doesn't just move to achieve that. Yes, you can do that under the regulation. Our question to you is, why have you written the regulation in such a way that you have broad, sweeping powers to go beyond that if you choose? If you choose, you could do exactly what my leader has suggested you could do.

What we want to know is, if you aren't planning to use that power, why did you give it to yourself? And please don't stand there and tell me that everyone can trust you that you won't use those powers. We've seen what this government does with power when they give it to themselves. Why do you not spell out specifically your intent? Why are you giving yourself broad, sweeping powers that go way beyond what you say you want to do?

Hon Mr Stockwell: I'm trying my best. The amendment gives us the power to pass a regulation to allow the generals—

Ms Lankin: Not just the generals.

Hon Mr Stockwell: —hold on, listen—outside of board area 8 to relieve themselves of their working agreements with the non-civil trades.

Mr Christopherson: That's not what it says.

Hon Mr Stockwell: The amendment doesn't say it because you haven't seen the regulation yet. When you see the regulation, you're going to see that's exactly what we're going to do.

I can only say that if we do something different by regulation, there may be a question in this House, but right now there's no question.

PHARMACARE

Mr Howard Hampton (Kenora-Rainy River): My next question is for the Minister of Health. I'm sure the Minister of Health would agree with me that no one in Ontario should ever have to choose between buying groceries and filling their prescription medicine needs, but this is a decision that one in 10 people in Ontario now have to make. Some 27% of Ontarians lack basic prescription drug coverage.

As a New Democrat, I suggest we need a national pharmacare program as part of medicare. The federal government has been promising this, but despite the surplus didn't deliver it. The other night the federal Minister of Health, Allan Rock, said the federal government is

now working with the provinces on a pharmacare program. Minister, what discussions have you had with the federal government regarding the introduction of a national pharmacare program? If you are having those discussions, please share the information with us now.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As we all know, in the red book of 1997, the Liberal government endorsed pharmacare as a national objective. However, I would tell you that they stopped talking about a national pharmacare program the day they were elected. Recently we have seen drug costs skyrocketing across all of Canada. I can assure you that to this day we get no assistance from the federal government. Recently I wrote a letter and indicated to Mr Rock that we really needed to get this back on the table. As I say, they stopped talking about national pharmacare the day they were elected.

Mr Hampton: My question was quite specific because the comment of the federal Minister of Health was quite specific. On CBC he said that he is talking with the provinces on a pharmacare program. I know what the federal Liberals promised. I know that you keep talking about the necessity of providing prescription medicine coverage, but while you're talking about it, you keep on racking up the user fees, making it more and more difficult for people to have access to prescription drugs. None of this is helping the senior citizens out there who have to choose between paying the grocery bill and paying for their prescription medicine.

What did the federal Minister of Health mean when he said he is now discussing a national pharmacare program with the provinces? If you're not talking about that, what are you talking about? What's the federal Minister of Health talking about?

Hon Mrs Witmer: I'm not sure what the minister is talking about, because as recently as this past week when we took a look at the increasing drug costs we are facing in Ontario and the fact that we are spending about \$200 million more on our ODP program now than we did in 1995, I was informed by staff that there are no discussions regarding pharmacare ongoing with the federal government.

LABOUR LEGISLATION

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Labour. As you recall, during your discussions with labour and management on the abandonment issue, the discussions were restricted to non-civil trade bargaining rights for the eight general contractors that were gained through the extension of the Toronto-Central Ontario Building and Construction Trades Council working agreement outside of board area 8. That was the discussion and agreement you had come to earlier.

Minister, you stood up on an earlier question and said, "That's all we intend to do. We intend to do nothing else." When we look at your proposed amendment, first of all, the original is bad enough; Bill 69 was a bad piece of legislation in the first place. Now you've compounded

that with the amendment your committee is going to ram through tonight that is going to give you full, broad powers to get rid of or scrap any agreement anywhere across Ontario at any time.

If that is not the case, can you point out to me where in the amendment your power is limited only to what I read earlier?

Hon Chris Stockwell (Minister of Labour): The amendment gives us the power to do exactly what you said. That's what we're going to do. That's what I've agreed to do. That's what I've committed to do. That's what I'm saying today I'm going to do. The amendment merely gives us the power to pass that specific regulation.

Your suggestion is that it's broad and wide-ranging. Agreed; it is. But we need to pass an amendment that broad and that wide-ranging in order to do what we want to do in the regulations to relieve them of that responsibility. I understand both members from Hamilton don't agree with that legal opinion. I think I'll take my legal opinion from somebody else.

1440

Mr Agostino: What you're saying is, "Trust us. Have faith in me." You're the minister that had a gun to their head and said, "Agree to this or I'm going to blow your brains out." You're the minister who then said, "I'm going to withdraw Bill 69; we can't get a deal." You're the minister who then brought back Bill 69 and said, "We're going to ram it through under my terms, come hell or high water." It's your bill. You've mishandled this and now you want us to trust you.

Minister, do you know what this bill gives you? It gives you the power the morning after the contractors paid \$25,000 a table at your fundraiser to line up at the Premier's door and the Premier then orders you by regulation to scrap contracts, bargaining rights and negotiated deals right across this province.

Minister, if you want us to trust you on this, will you today commit in the House that before you bring any regulation in there will be significant input from the building trades across this province to any regulation you bring in with regard to Bill 69?

Hon Mr Stockwell: I will commit to you that if the regulation we bring in isn't what I've said today, we'll have meetings. I have spoken with the union executive; I have spoken with the generals; I have spoken with all parties that have been affected by this. I told them that was what was necessary in order to pass the regulation.

I agree with you; it's a broad amendment. But we need to bring in an amendment that broad so we can pass the regulation. It's just that simple.

Now if my friend opposite discovers that we pass a regulation that's different than I committed to, then yes, you can probably get up and get exercised and scream and yell. But we're not going to, and if we don't, this is just an exercise in futility. Wait until you see the regulation. It's what I committed to. That's what I'm going to do.

ENVIRONMENT INDUSTRY

Mr John O'Toole (Durham): On a much more subdued note, my question is to the Minister of the Environment. Minister, today as you know, is Environment Industry Day here at Queen's Park, and I thank you for being part of and being a leader in that area, making this happen for us members.

One of the current concerns that people in my constituency of Durham have is that the Ministry of the Environment, according to what I read, has not worked closely enough with industry to encourage environmentally sustainable practises. Minister, can you tell the members of this House what steps the ministry and you, personally, have taken to work with this profession in the environmental industry today in Ontario?

Hon Dan Newman (Minister of the Environment): I'd like to thank the member for Durham for his fine question. I'd also like to recognize the presence of many of the Canadian Environment Industry Association members who are here in the public gallery today.

I'd like to take this opportunity to assure him and all members of the Legislative Assembly that the Ministry of the Environment works very closely with stakeholders, like the Canadian Environment Industry Association, to ensure that our policies are good, sound environmental policies that can be implemented to go hand in hand with economic prosperity.

Ontario's environmental industry sector represents many innovative companies, such as Trojan, who have developed ultraviolet filtration technology, as well as ZENON, with whom we have worked using their membrane filtration technology to provide a safe interim water supply in the town of Walkerton.

I also want to recognize the efforts of Brenda Elliott, the hard-working MPP for Guelph-Wellington for her outstanding statement today recognizing the efforts of the Canadian Environment Industry Association.

Mr O'Toole: I also agree about the member for Guelph-Wellington. I think very highly of her as well.

I've often heard you say that you take the environment very, very seriously. I know that. I sense it and it's great to hear and have you attest to the importance of private-public partnerships. Speaking of partnerships, I'm not sure if you're aware that in Durham there's actually some great partnerships going on and the environment is a very important issue. Protect Air is located in my riding and I believe that Michael Young is in the Legislature today. Minister, you are aware of this company, I'm sure. They are one of the leaders in this province.

Hon Mr Newman: I again thank the member for Durham. Yes, I am aware of Protect Air, and the member is right that it is yet another great example of public-private partnering in our province.

Protect Air is a partner in a phenomenally successful program, Drive Clean. They are involved in a number of aspects of the program, including data management and the training of technicians within Drive Clean.

Building upon their technology, Protect Air is exporting their made-in-Ontario expertise to other jurisdictions outside our borders.

Finally, I'd like to take this opportunity to thank the Canadian Environment Industry Association for their support today of Bill 124, which passed third reading in this House earlier this afternoon. Unlike the NDP, they supported the bill. The NDP refused to go on the record in support of a bill that protects the environment.

HYDRO RATES

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy, and it concerns electricity policy and electricity rates in Ontario.

We are now six weeks away from the expected end of the five-year freeze that your government imposed on electricity rates between January 1, 1996, and December 31, 2000. Minister, can you tell this Legislature and the people of Ontario, is it your intention as a government to extend the freeze on electricity rate increases in this province beyond December 31, 2000?

Hon Jim Wilson (Minister of Energy, Science and Technology): Yes, and I apologize to the honourable member if it has not been clear in the past. I've tried to make it clear in my public pronouncements that the government's policy is to continue the rate freeze until such time as there's an open, competitive market in the province.

Mr Conway: There is more and more evidence being introduced into the public debate that Ontario individuals and Ontario businesses can expect significant increases in their residential, commercial and industrial electricity rates over the next six to 12 months. The Ontario Energy Board, in a report dated September 29, 2000, tells us that they expect, on the basis of evidence tendered before them this summer, that Hydro One's—that is, Ontario Hydro's—customers should expect, once the market opens, that those rates will increase by at least 13%.

My question to you is a very straightforward one. Once the market opens, presumably some time in the calendar year 2000, what do you as Minister of Energy predict will be either the rate increase or the rate decrease for residential and industrial consumers of electricity?

Hon Mr Wilson: Everything we're doing within our power is to ensure that prices will be as low as possible in the competitive market. That has been the experience in other jurisdictions where electricity competition has been introduced, and it's being introduced all around us. Ontario cannot be an island unto itself.

Clearly, companies like Direct Energy, which are out there right now offering contracts to residential customers, believe that they are going to be able to provide power to the customers that they're signing up right now at today's prices or below today's prices. So there are some people out there who believe that new generation will come on-line that will bring us prices that are very

competitive with today's prices, and they're offering those savings right now to their customers.

Overall, though, there is pressure on price. Natural gas prices are the highest we've seen in many decades in this province, and in fact throughout North America and the world. Much of our clean electricity is generated through the use of natural gas, and that will have an effect on future prices. We really won't know what the price will be until the market opens, but you're right, there is some price pressure. But there are those out there now marketing to customers offering price breaks. So we'll see what happens.

FORT HENRY

Mr R. Gary Stewart (Peterborough): My question is to the Minister of Tourism. There has been considerable attention in the media recently about the state of historic Fort Henry in Kingston. The effects of age and the harsh Canadian climate have taken their toll on this particular fort. This has resulted in the closure of some sections of the fort to ensure public safety.

Recent media reports contained much debate about who should support the major capital works required at Fort Henry. The member for Kingston and the Islands states that restoring this national monument is the responsibility of Ontario taxpayers and that provincial taxpayers are not contributing their share to subsidize Fort Henry and the St Lawrence Parks Commission.

Minister, could you please advise us how much Ontario taxpayers are funding this federally owned heritage property?

1450

Hon Cameron Jackson (Minister of Tourism): I'd like to thank the member for the question. Frankly, the comments from the local member could not be further from the truth in terms of the amount of money that Ontario taxpayers have been putting into the St Lawrence Parks Commission and Fort Henry. The truth is, it's gone from \$4.6 million to \$5.25 million under this government. We've increased funding. In fact, this year alone our government flowed \$3.1 million of additional capital and maintenance upgrades for parks in that area. The fort itself has received over \$7 million.

Our problem is the fact that this is owned by the federal government; it's not owned by the Ontario government. So we cannot get the landlord to sit down and talk about the health and safety of the workers there, as well as the general public who visit the site. We know that major restorations are required. In fact, the federal government's own report says there is between \$25 million and \$35 million worth of work to be done.

Mr Stewart: I would hope the Liberal House leader—oh, sorry, he's not here either—would make sure that the member for Kingston and the Islands would hear this answer. He's not here either.

This Saturday, November 18, Fort Henry will play host to the Kingston Festival of Lights. There are serious concerns regarding the safety of the fort.

Interjection.

Mr Stewart: It appears that the member opposite is not interested in safety. We are.

Although the federal government has acknowledged responsibility in the fort's ownership, it is still imperative that action is taken to ensure that the fort is not neglected any further than it has been. Minister, what have you done to address the safety concerns of the people who work at and visit the fort?

Hon Mr Jackson: First of all, I want to assure the members that even though sections of this fort are actually crumbling and falling apart, we are required by law and, with the support of the St Lawrence Parks Commission, have closed off sections of the fort so that the public is restricted to those areas. So the Festival of Lights will occur. Our ministry and the province are providing additional support funding there, but safety is our number one concern.

The other issue here is very important. We had written to Sheila Copps, the heritage minister, on May 31 and July 4, and she refuses to even acknowledge that there is an issue, even though her own ministry has a report that says it needs \$25 million to \$35 million of upgrading to its own property. The federal minister will not respond to concerns by the commission and by the city of Kingston and by our ministry. The fact is that the Department of National Defence put up a little bit of money that generates about \$200,000 a year, and immediate emergency repairs are in the order of \$1.5 million to \$2 million.

Perhaps next time the heritage minister shouldn't fly from Ottawa to Hamilton, her home riding. She should get into a car and find out that Kingston is on every tourism map in this province. She has a responsibility with her fort in Kingston—

The Speaker (Hon Gary Carr): The minister's time is up.

SCHOOL EXTRACURRICULAR ACTIVITIES

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education. Aren't you lucky today, Minister? My question is about your government denying extracurricular activities to students.

This morning I heard parents and students raise the alarm about the extracurricular activities meltdown in our schools because of your Bill 74. They held a press conference because your exclusive summit tomorrow morning is going to exclude them and is going to exclude hundreds of parents and students who represent so many people who are very interested in the things you're going to talk about tomorrow.

These parents fear that if you proclaim Bill 74, there will be out-and-out war within our schools, and I agree. My sense is that tomorrow you're going to force boards to do it and you will be looking for volunteers to be doing the extracurricular activities. Is that the case, Minister?

Hon Janet Ecker (Minister of Education): I'm so pleased that the honourable member knows the outcome of the meeting tomorrow before any of the participants in the meeting. I had no idea he had such foresight talents.

The only reason there are students in this province who are being denied extracurricular, co-instructional activities is because some teachers are choosing to work to rule. It is that simple. Secondly, that is not fair to the kids. They deserve those extracurricular activities. They are very important to their education.

The meeting tomorrow is one of many meetings I have had and will continue to have as we seek further options to resolve this issue. I have said many times that if we can't solve it one way, we're going to solve it another way. I am surprised—absolutely astounded—that the People for Education group who were in the news studio today would somehow think that the Ontario Association for Parents in Catholic Education or the francophone parents' association don't represent parents in this province. Mr Speaker—

The Speaker (Hon Gary Carr): The minister's time is up. Supplementary.

Mr Marchese: It's true that I am not omnipotent, but I am about to tell you that I think tomorrow you will be announcing that boards will be instructed to provide the extracurricular activities and that they are going to have to find volunteers to do it. I predict that. I could be wrong. You haven't answered, but we'll see mañana, because tomorrow morning you're going to have 90 minutes with these folks, excluding all these other active people, to tell us what you're going to do.

Volunteers, in my mind, make a great contribution to our schools but they can't replace professional supervision. University of Toronto professor Bruce Kidd, an expert in this field, says, "Where abuse in sport has occurred, it has happened under untrained and unsupervised volunteers." In fact, it's volunteers themselves who have pushed for professional supervision. I dare say that the Ontario safety guidelines and the insurance industry recognize that it's teachers who should supervise these activities.

Minister, you messed up with Bill 74. You're going to mess up again if you force the boards to deliver this program by having volunteers provide it. I hope you're not going to be so smug as to pursue one incompetence of Bill 74 with another incompetence. I hope you're not going to do that tomorrow.

Hon Mrs Ecker: I really hope all of the many parents out there who are helping ensure that their students are receiving extracurricular activities from the education system appreciate the negative comments the honourable member has just made about their ability to supervise their kids.

Secondly, the only people who have messed up are those teachers who are destroying whatever public support they had by choosing to withdraw those activities from students who deserve those activities.

Thirdly, again I would defy the honourable member to say that the Ontario Teachers' Federation, the Ontario

Principals' Council, the Ontario Federation of School Athletic Associations, the associations of Catholic parents, public parents, francophone parents, school board trustees, the Ontario Parent Council—he said this is not representative of the education sector in Ontario? What dreamland has he been living in?

PROPERTY TAXATION

Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Finance and has to do with the new property tax bill he introduced today. You will know that the CFIB, the Canadian Federation of Independent Business, gave all of the members a study it did that went around Ontario measuring the property tax that business pays for education in Ontario. You will be aware that they found that if a business in Brockville pays about \$22,000 in business taxes, in London an identical business pays about \$20,000; in Oshawa, about \$14,500; in Barrie, about \$12,500; and surprisingly, in Parry Sound, about \$5,000. Identical businesses—education taxes set by Mike Harris. That's what the CFIB said.

Can you indicate how in this new property tax bill you have addressed the concerns of the Brockville business community?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): The honourable member will know that when we took on the project of changing and reforming the property taxation system in Ontario, we immediately went to one residential rate for the entire province. That was easy to do because most municipalities were relatively close. However, when you got to business taxes, there was a huge range: from less than 1:1 in some communities—I would say, in terms of a commercial and industrial base, poorer communities—such as the town of Parry Sound, if he wants to use that as an example—to the city of Toronto, which has a relatively lucrative business tax base where the ratio has been as high as 6:1 or 7:1, where businesses are paying 6:1 or 7:1 compared to residential taxpayers.

The ultimate goal of course is still to get to the same rate province-wide, but it is going to take a great deal of time, especially in municipalities that haven't really had any reform for, in some cases, 60 years.

1500

Mr Phillips: A business in Brockville—and you've indicated that education across the province now is funded equally—assessed at exactly the same amount as a business in Parry Sound is paying more than four times the rate. It is paying \$22,000 in taxes; in Parry Sound, it is paying \$5,000. It is set, not by the municipality, but by Mike Harris—almost five times as much tax, provincial education business tax.

My question to you is simple. That doesn't seem fair. A business identical to one in Parry Sound in every respect except the property tax you're charging them: \$22,500 in Brockville; \$5,000 in Parry Sound. My question is this: in this bill that you introduced today, will you point out to the businesses in Brockville how you are

going to address the gross inequity of them paying more than four times the tax rate that they would pay for an identical business in Parry Sound?

Interjection: Good question.

Hon Mr Eves: It is a good question. The answer is quite simple. The province adopted—and he knows the answer, I presume—exactly the same rate on the education side, commercial and industrial, that various municipalities had when we started this project in 1998. We are now setting aside a cap of 5% a year—as he knows—for those municipalities that are out of whack, a very real cap that has to go toward gaining more equity in CVA.

Yes, it will take a long time for municipalities that are, in some cases, decades out of whack with the rest of the province. Hopefully some day in this province there will be a uniform rate across the province. But obviously 60 years of inequities can't be made up overnight.

REMEMBRANCE DAY

Mr Bob Wood (London West): My question is to the Minister of Labour. As he knows, I introduced a bill earlier today that grants employees the right to take a leave of absence from work without pay of up to three hours between 10 am and 1 pm on each Remembrance Day so that they may participate in observances for those who died serving their country in wars and in peace-keeping efforts. Attendance was up at Remembrance Day ceremonies this year in many communities in Ontario. This was due in part to the fact that many were not at work on a Saturday.

This bill, if passed, will give almost everyone the chance to observe Remembrance Day in a way that he or she deems most appropriate. Surely it is time to do exactly that. What's the minister's opinion of this bill?

Hon Chris Stockwell (Minister of Labour): That bill was introduced today in the House by you. I haven't had a great deal of opportunity to go through it. On first blush, it makes some sense, and certainly it would be an idea to consider. Obviously, we'd have to canvass the caucuses and the cabinet. It is something you could do on both sides of the House. It crosses all party bounds, I'm sure. If we can hear from the opposition members and my own caucus, maybe we can see if it's an idea that's worth pursuing.

Mr Wood: When might we know whether or not the government is prepared to support this bill?

Hon Mr Stockwell: It is going to take some time. We think it is something that you should canvass with caucuses. I think our caucus would have an opinion on this issue.

Ms Shelley Martel (Nickel Belt): Tell him you want a late show.

Hon Mr Stockwell: Well, it would be the best late show, because his question makes sense. It would be something we would want to canvass I suppose right across both aisles. I can't give you a prescribed date as to when it would be adopted or not adopted. It is something

we should look at. We should invite interested parties to look at the bill, and we should seek their views as to whether or not it's something they would like to endorse.

CANCER TREATMENT

Mr Mike Colle (Eglinton-Lawrence): I have a question for the Minister of Health. My question concerns Phyllis Weinberg, who's a cancer survivor. She lives in my riding and has been diagnosed with cancer. Her son, Aaron Weinberg, is here today in the gallery. Mrs Weinberg is undergoing chemotherapy to treat her cancer. Her physician, Dr Jeremy Sturgeon, says that her disease responds to chemotherapy treatment, and in order to continue the treatment her doctor says a drug called Neupogen is essential for her health. This drug works for her. She can't fight her cancer without this drug.

The problem is that the bureaucrats in your ministry will not cover the cost of this expensive drug for Mrs Weinberg, even though other patients in Ontario get it. Mrs Weinberg has been forced to pay for the drug out of her own pocket, up to \$1,700 per month. The doctor has written your bureaucrats twice, and they have rejected the doctor. I have written you personally twice over the last couple of months, and you haven't even bothered to respond.

Minister, this is a life-saving drug. It helps Mrs Weinberg cope with her cancer. It is readily available to patients in the United States. Some patients in Ontario get it. Why won't you cover this drug for Mrs Weinberg?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I don't know if the member is aware of the fact that we have added a considerable amount of money to the drug budget in order to effectively treat cancer in Ontario. In this past year, 1999-2000, we have provided an additional \$24.9 million for 11 new drugs in order to treat 17 different cancer indications.

Mr Colle: Madam Minister, this is a very specific question about a drug that's saving this woman's life. I've written to you twice; no response. It's a drug that works. It's a drug that helps her cope and continue to have chemotherapy. You offer payment to other Ontario cancer patients. Why won't you make that same offer of covering the cost to Mrs Weinberg? The only answer your bureaucrats give is that this drug is not currently provided for patients with incurable diseases. Who are your bureaucrats to play God in this case, to determine who's going to survive cancer and who isn't?

Hon Mrs Witmer: As the member may or may not know, it is up to the individual doctor to seek approval for drugs. Certainly there is the opportunity for them to go through the section 8 process as well.

Mr Colle: You rejected it. Your bureaucrats said no.

The Speaker (Hon Gary Carr): New question.

ABANDONED MINES

Mr Joseph Spina (Brampton Centre): Since half the Liberal caucus seems to have taken off for the weekend,

I'm glad to ask this question to the Minister of Northern Development—

Interjections.

The Speaker (Hon Gary Carr): Order. The member take his seat. We're not going to start with smart-aleck comments like that. It started with the member for Peterborough and I let it go. I'm not going to let it go any more. Don't start with the smart-alecks late on a Thursday. Member for Brampton Centre.

Mr Spina: My question is for the Minister of Northern Development and Mines. As you know, the mining industry has a long history in this province, particularly in northern Ontario, and while this industry has helped to build many of our northern communities, one of which I grew up in, many of the mines that were once in operation have inevitably closed over the years as their resources were exhausted. Minister, can you explain, please, what the government is doing to ensure that these depleted mines don't pose a threat to the environment or the safety of our northern citizens?

Hon Tim Hudak (Minister of Northern Development and Mines): I appreciate the member's question. He's right on both counts. First of all, the mining industry is a major employer and also a source of investment in northern Ontario and, at the same time, has a responsibility to ensure public safety. I want the member and all members to know that mining operations face a rigorous set of rules under the Mike Harris government to ensure safe closure when they get to that point. In fact, the cost of the operation has to include the cost of rehabilitation in the overall cost of the mine, and most importantly, the mining companies do have to set aside financial assurances along with a closure plan so the taxpayer knows and is protected, so that individual mining company will have the resources set aside to make sure that mine is restored to its natural state once it is depleted. Safety is the main priority of this government.

1510

Mr Spina: Minister, I understand that the currently operating mines are safely in the process of being rehabilitated, but as you know, we have a lot of abandoned mine sites which reverted to the crown long before the current regulations were in place. The former owners of these sites don't seem able to be held accountable. One high-profile site I know about is the Kam Kotia site in Timmins, where an estimated 6 million tonnes of strongly acid-generating mine waste covers an area of more than 500 hectares. I'm concerned that these abandoned mines will still pose a threat to public safety and the environment. What can you, as the minister, do to address this issue and ensure the safety of northerners from these depleted mines?

Hon Mr Hudak: I thank the member for the question and his ongoing interest in issues of importance across northern Ontario. The member is right: currently there is a very strict set of rules and environmental regulations to ensure safe closure of sites, but these tight rules and enlightened practices did not always exist in the province of Ontario with our 100-plus years of mining history. As

the member correctly said, there are some abandoned sites that have reverted to the crown.

I'm very pleased to say that we do have a \$27-million, four-year fund to help revert some of these abandoned hazards back to their natural use for exploration, for recreational use and perhaps for further development exploration on the mineral side. Kam Kotia stands as a good example, one of the worst sites that has reverted to the crown, spilling into some of the close rivers.

That's why I'm very pleased to say here in the House that recently we committed to a \$9-million investment into ensuring that that site makes progress toward being cleaned up. In fact, community groups like Northwatch and actually the member for Timmins-James Bay—

The Speaker: The minister's time is up. New question.

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of Health regarding her ongoing discrimination against northern cancer patients. Minister, on May 8 you promised to do a review of this government's unequal funding of cancer patients from the north and from the south. On September 13 I filed a freedom-of-information request to try and get this document. On October 14 your staff told me they needed to consult more about my request and I'd have an answer in 30 days.

Minister, I just received a letter from your government declaring that a decision has been made to deny me access to this report. Minister, what are you hiding? What are you trying to cover up?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): Actually, we have been expanding the support we've given to cancer over the years, as the member knows, and we have been moving forward to review the northern health travel grant, and we will continue to do exactly that.

Ms Martel: The question was, what are you hiding? You see, I believe this report clearly shows that your government is discriminating against northern cancer patients and that's why you don't want to release it. I also believe the report would clearly show that the only way to end this discrimination would be to fully fund the cost for northern patients to access care too. That's why you don't want to release it.

Minister, the fact is that your government has been quite happy for 19 long months now to discriminate against northern cancer patients, and that's going to go on for a whole lot longer because of the long waiting lists for cancer treatment in southern Ontario. It's time to end your government's apartheid on this matter. When will you end this discrimination and finally fund the cost for northern cancer patients to access care too?

Hon Mrs Witmer: I think it's important that we set the record straight. There is no discrimination. There is no apartheid.

The member knows full well that there are two separate travel programs. There is a northern health travel grant program which assists only northern Ontario residents to access specialized health services. This program is not available for people in southern Ontario. There is also a travel program that was initiated by Cancer Care Ontario for cancer patients only who are being referred from their home centre, and that is accessible to people in the north, east, west and south.

Again I repeat: please be accurate when you speak about the cancer re-referral program.

FLU IMMUNIZATION

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Health. On July 25, you announced, with considerable fanfare, that you would be making free flu shots available to every Ontario resident. Two weeks ago you launched an extensive advertising campaign telling people to go to the clinic and get their flu shot. Unfortunately, we are finding that hundreds of people who have gone to these clinics are now being told there's no vaccine. For example, a large medical centre in Scarborough, Your Total Health Centre, has had to call 100 people today who had appointments to come in for their flu shots to tell them they had no vaccine because they ran out of vaccine four days ago. They were assured that their vaccine would be there by the middle of this month. They even put up the posters you sent them urging people to come in and get their shots. They set up hundreds of appointments and the vaccine you promised did not arrive.

Minister, surely this was one time when you should have, when you could have, made sure that you really had a service in place before you launched the public relations campaign. Can I ask how it's possible that you failed to provide this vaccine fully two weeks after you launched a massive advertising campaign telling people to go and get their flu shot?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member well knows, we do have the flu shot clinics up and operational. Starting October 1, we were able to ensure that all those people who suffer from chronic illness and are vulnerable and those who work in the health care field would receive their flu vaccinations, and of course this month we are encouraging all others to get the flu shot.

I'm very pleased to say there's been a very positive response. Certainly the flu vaccine is available and it is here in the province for individuals.

Mrs McLeod: Minister, we know that many people have had their flu shots. We know you had a great photo opportunity getting your shot. But we also are finding out that for hundreds of others the situation has been chaotic. I've told you about the situation at Your Total Health Centre in Scarborough, where they're cancelling hundreds of appointments because they didn't get their vaccine. We reached two other walk-in clinics in Toronto today and we were told that they did not have their

vaccine and had been told by your ministry that they wouldn't get it until at least Friday.

We know the problem is not that the vaccine doesn't exist. We've talked to Aventis, the producer of the flu vaccine. They worked overtime to increase their production to the almost eight million dosages that are needed, and that was a process that would normally take six months. So it's not their fault; the vaccine is there. The problem is that your ministry took over the distribution and you simply haven't been able to get it out to every clinic.

Minister, I ask you today, will you give us an absolute assurance that every clinic will indeed have the flu vaccine they need and that you promised they would have by tomorrow afternoon at the latest?

Hon Mrs Witmer: If there is a problem, then the physician should be contacting their local public health unit, because I can assure you that more than six million vaccinations have been distributed.

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): This petition is to the Ontario Legislature. It has 3,580 names and it's regarding northerners demanding the Harris government to eliminate the real health care apartheid and the real discrimination that the Harris government is practising. It says:

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding" and certainly are aghast at this government's health care apartheid and discrimination against northerners;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the" very real "health care apartheid which

exists" and is being practised "presently in the province of Ontario" by Mike Harris and Elizabeth Witmer.

I of course affix my signature to this huge petition and give it to Jenna to bring to the table.

1520

Mr Rosario Marchese (Trinity-Spadina): "Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas the recently released Oracle research poll confirms that 92% of Ontarians support equal health travelling funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all the government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

I support this petition.

REGISTRATION OF VINTAGE CARS

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the member for Durham.

Mr John O'Toole (Durham): Thank you, Mr Speaker. You were looking over there. I appreciate that.

The Acting Speaker: I do that when I talk on the telephone too, and when I look at the telephone I don't see the person I'm talking to.

Mr O'Toole: I'm impressed with the number of people who responded to this.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario's vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates"—what a shame—"and

"Whereas Durham MPP John O'Toole and former MPP John Parker have worked together tirelessly to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull, the Minister of Transportation, has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to" immediately "pass Bill 99 or amend the Highway Traffic Act to" allow vintage automobile enthusiasts to use year of manufacture plates on their automobiles.

I'm sure everyone here supports and signs this, because I got thousands of signatures.

SCHOOL FACILITIES

Mr David Caplan (Don Valley East): I have a petition from many parents and students at St Timothy school in Don Valley East. It reads as follows:

"Whereas Mike Harris promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

"Whereas the current funding formula does not account for spaces in portables; and

"Whereas over 40% of the children at St Timothy school in Don Valley East are housed in old portable classrooms, including over 60 children with special needs and physical challenges; and

"Whereas these portables are a real challenge for children with special needs and some of these children are not able to be accommodated in regular school because of the restrictions placed on the school; and

"Whereas the facilities do not allow for proper ventilation and proper caretaking; and

"Whereas the Toronto Catholic District School Board has closed schools on the understanding that the Ministry of Education would be making monies available for the expansion of overcrowded, unsafe facilities;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to instruct the Minister of Education to provide adequate capital funding to the Toronto Catholic District School Board so that St Timothy school can be expanded and so that our children can all be housed in one building with adequate safe facilities."

This petition is extremely important. I will affix my signature to it and I hope the minister will respond appropriately.

EDUCATION LABOUR DISPUTE

Mr David Christopherson (Hamilton West): My petition to the Legislative Assembly of Ontario reads as follows:

"Whereas 40,000 elementary students are not in the classroom as a result of the lockout by the Hamilton-Wentworth school board; and

"Whereas the teachers are entitled to a fair collective agreement, and the trustees have a responsibility to ensure that the classrooms and the programs being provided meet the needs of our children; and

"Whereas the chair of the committee that is doing the negotiating said, in a letter addressed to the Minister of Education, Janet Ecker, 'My frustration is because of the inability of the bargaining process to occur within the limits of a funding formula that is restrictive in allowing flexibility in the process, a funding formula that continues to ignore the professional aid that is needed outside the classroom'; and

"Whereas he goes on to say, 'Your government's mandate appears to be one of the continuation of manufacturing a crisis in public education and the insulting abuse bestowed upon the dedicated deliverers of public education'; and

"Whereas parents want their kids back in school, teachers want the kids back in school and the Hamilton-Wentworth District School Board wants the kids back in school; and

"Whereas the problem is that there isn't enough money because the Harris government has cut funding to education across the province and Hamiltonians have been especially hard-hit by these cuts; and

"Whereas the government caused this strike, and now has a responsibility to resolve this situation and put our kids back in the classrooms;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows: the Harris government has caused this strike by its relentless attacks on funding of public education. These cuts have especially hurt children, families and teachers of Hamilton. Therefore the Harris government has an obligation to immediately restore adequate education funding to allow a fair collective agreement for teachers without cutting crucial supports and programs to students."

I stand by the constituents of my community of Hamilton and affix my name to this petition.

REGISTRATION OF VINTAGE CARS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'm honoured to join in this petition to the Legislative Assembly that has been previously presented by my honourable colleague John O'Toole. It says:

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles."
It is my pleasure to sign my name to it.

NORTHERN HEALTH TRAVEL GRANT

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

This is signed by a number of constituents who live in the town of Atikokan. I've affixed my signature in full agreement with their concerns.

REGISTRATION OF VINTAGE CARS

Mr Joseph Spina (Brampton Centre): I'm pleased to present this petition because there are a number of people in my riding who are enthusiasts of vintage vehicles. The petition reads:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the

desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles."

I am pleased to assign my signature to this petition.

1530

PRESCRIPTION DRUGS

Mr Tony Ruprecht (Davenport): I still keep getting \$2 user fee petitions from some time ago, and the petition reads:

"Whereas the Ministry of Health has started to charge seniors a \$2 user fee for each prescription filled since July 15, 1996; and

"Whereas seniors on a fixed income do not significantly benefit from the income tax savings created by this user fee copayment or from other non-health user fees; and

"Whereas the perceived savings to health care from the \$2 copayment fee will not compensate for the suffering and misery caused by this user fee, or the painstaking task involved to fill out the application forms; and

"Whereas the current Ontario Minister of Health promised as an opposition MPP in a July 5, 1993, letter to Ontario pharmacists that his party would not endorse legislation that would punish patients to the detriment of health care in Ontario;

"We, the undersigned Ontario residents, strongly urge the government to repeal this user fee plan because the tax-saving user fee concept is not fair, sensitive or accessible to low-income or fixed-income seniors; and lest we forget, our province's seniors have paid their dues by collectively contributing to the social, economic, moral and political fabric of Canada."

Since I agree wholeheartedly with this petition, I sign it as well.

REGISTRATION OF VINTAGE CARS

Mrs Julia Munro (York North): "To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles."

I affix my signature to this as I too am an owner of a vintage automobile.

ORDERS OF THE DAY

LABOUR RELATIONS AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES RELATIONS DE TRAVAIL

Resuming the debate adjourned on November 15, 2000, on the motion for second reading of Bill 139, An Act to amend the Labour Relations Act, 1995 / Projet de loi 139, Loi modifiant la Loi de 1995 sur les relations de travail.

The Acting Speaker (Mr Bert Johnson): We had just finished the speeches, the debate, by the members for Ottawa-Vanier and Elgin-Middlesex-London, and now is the time for comments and questions.

Mr David Caplan (Don Valley East): I was here last night to hear the speeches by the members for Elgin-Middlesex-London and Ottawa-Vanier. I certainly want to congratulate them for really getting to the heart of the bill and what the problem is. Both of them pointed out that Bill 139 is totally one-sided. In order to have a good, healthy, strong economy, you need balanced labour legislation. I think that's what both members said in their comments.

I remember quite clearly the commitment of Ontario Liberals under Dalton McGuinty that we believe in that sense of fairness and that we believe in that sense of balance. I know as well that the member from Ottawa-Vanier commented on the fact that of the last 20 deaths on construction sites, 18 have been through non-unionized operations.

Interjection.

Mr Caplan: I hear the chief government whip say, "What does it have to do with this?" Do you think it's any coincidence? Do you really believe it's a coincidence that 90% of deaths on construction sites happened in non-unionized operations? Do you really believe that's a coincidence, that it just happened?

So the movement by the Harris government, by the Minister of Labour, I really think by Guy Giorno in the Premier's office—

Mr James J. Bradley (St Catharines): That's where it really is.

Mr Caplan: As my colleague from St Catharines well knows, to try to decertify unions is putting people's lives in jeopardy. It is putting people's lives at risk and is

really quite backward from what we should be doing in Ontario, which is to make sure we have safe workplaces, quality workplaces, which we do. But when 90% of the deaths on construction sites happen in non-unionized operations, that really says something. It is not a coincidence. I want to congratulate my colleague from Ottawa-Vanier for her comments last night.

Hon Frank Klees (Minister without Portfolio): I was here for the debate as well. I recall listening to the member from Ottawa-Vanier make her point. She stressed constantly the issue of the importance of balance. Certainly that makes a great deal of sense. Labour legislation should be balanced, which is the reason for this legislation: to bring balance.

What was lacking in this province for many years was balance in labour legislation. It was difficult for many years, prior to our government, for business to do business in this province. Everything was so unbalanced that business was leaving this province. They were going to other provinces. They were going to the United States where there is an element of balance. What we are saying is that it's time to return balance to labour legislation in Ontario, which is what this legislation will do.

One of the issues referred to in debate last night was that it is unfair for workers to be shown how, and for information to be posted about how, they can decertify. The claim was made that it should also be posted how they can be certified. We know that information is readily available. There are unionizing drives that go on throughout this province, and have for years, where the information is made very much available to employees, and rightfully so. What this legislation also does is ensure that employees know what the process is for decertification so that they can truly have choice. It's all about bringing democracy to the workplace.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): As are the concerns of my colleague from Elgin-Middlesex-London and M^{me} Boyer from Ottawa-Vanier, this bill is unacceptable to the Ontario Liberal Party and also to the workers of this province.

I really wonder what the intent of this government is. This bill will ease procedures to decertify groups from being members of organized labour. This could be a dark day for the workers of this province because those people have been working for their future and also for their retirement.

As we know, there is a shortage of labour in this province, and as a matter of fact, a shortage all over North America. Is the intent of this bill to help companies hire unorganized labour from other provinces so we can pay less and increase the profits of our friends' companies? By allowing to decertify so easily, what type of protection will we have for our own workers? Decertification could mean no more protection for their retirement, no more protection for the future of their children and no more protection for the spouses of those workers. Local economies will be affected because if, for most of their lives, they have been used to getting a certain salary, being decertified they will get less salary and also

less protection. What is going to happen? Do we know if this government will ensure that those who are going to be decertified will continue having a pension plan? If not, we know what will happen. At the present time, we know this government doesn't protect our workers.

1540

Mr Rosario Marchese (Trinity-Spadina): I was fascinated by the comments made by the member for Oak Ridges. It didn't surprise me, because what he said is that we are restoring balance on the basis that somehow the 30% or 34% of people who are unionized have tipped the balance toward unions. Fascinating.

I recall the Toronto board of education debates where we, because we had a fairly good balance between New Democrats and others, encouraged labour education, because we didn't have it before. We felt we needed to introduce in our curriculum a perspective having to deal with workers, their tradition, their contribution to society, to the workplace, to health and safety, to benefits that ordinary men and women had gained as a result of having unions in the workplace. We were happy to have been able to, in a modest way, introduce some changes in our curriculum that brought a perspective about labour. It was fascinating. Therefore, when in the next election they elected more Tories than they did New Democrats, they got rid of the labour education committee on the basis that we had just gone too far. We had just tipped the balance. We had so much about unions that we just tipped the balance and the poor corporate sector was getting the raw end of the stick. It was just fascinating.

The member from the Oak Ridges moraine just said as much today. He's saying this, Bill 139, is about restoring balance. It is so laughable that I—

The Acting Speaker: The member's time has expired. The member for Ottawa-Vanier has two minutes to respond.

Mrs Claudette Boyer (Ottawa-Vanier): This legislation really represents an attack on the labour movement. Some members of the government, last night and again today, talked about balance. Let me remind you that balance in the labour movement is a priority for Dalton McGuinty and the Liberal caucus. There is absolutely no balance in this legislation. This should be a win-win situation for both parties.

What amazes me is that instead of speaking to workers when putting together this bill—the government, by the way, says that it will protect workers' rights—the minister spoke only with employers. No suggestions from workers were even taken into consideration. As I mentioned last night, it is just like speaking to the fox when building the chicken coop. Bill 39 is still an addition to this government's pattern of union-bashing and disrespect for working people. What's worse is that it's going to create an imbalance in the workforce, where there was stability. There was a positive working atmosphere, there was a good balance between working people, and this bill will threaten this relationship.

The Acting Speaker: Further debate?

Mr Howard Hampton (Kenora-Rainy River): I want to speak to this legislation because I believe under this government the words and the predictions of George Orwell are now becoming germane and relevant to our society. People who have read *Animal Farm* or who have read the book 1984 will know that specifically in 1984 they refer to a time when a government starts to manipulate the language and abuse the language such that words we commonly expect to have a certain meaning are used in a totally contradictory way. When a government talks about truth, they mean lies. When a government talks about consultation, they mean in fact no consultation whatsoever. When a government talks about democracy, what they mean is the removal of democracy. That is what we are seeing with Bill 139.

This government talks about workplace democracy. What they really mean is do away with democracy. Democracy is about people. It's about allowing people to make choices. It is about allowing people the capacity, on the basis of one person, one vote, to make decisions. But anyone who reads this legislation knows that is not what is in this bill. It's not about one person, one vote. It's about letting corporations have their way. It's about letting corporations overrule one person, one vote. This is about who has the most money, who can intimidate, who has the power. That's what this legislation is about.

What are the terms of this? We would think that in a democratic society, if workers want to form a union, then the labour legislation ought to allow them to form a union. It shouldn't place undue roadblocks in the way of forming a union. But what does this legislation do? It is riddled with opportunities for corporations—not one person, one vote, but the corporation that has the power to frustrate one person, one vote, to take away democracy, to deprive workers of democracy.

Let me give you a few examples of some of the things this government wants to put into the legislation to either make it more difficult for workers to organize into a union or to make it easier for corporations to, in effect, undermine workers and take away a union they may have formed.

Let me give you one example. It lengthens the period of time in which a union may be decertified. In other words, it creates a larger open period wherein a corporation, a corporate employer can use intimidation or other measures to scare workers, fire them or to use other intimidation tactics to get them to decertify from a union. It in effect creates a roadblock preventing workers from organizing into a union to promote their own economic self-interest. It's about promoting the economic self-interest of the corporation. That's not workplace democracy. That's not about providing people with tools so that they can effectively organize on the basis of one person, one vote. It's completely the contrary. It's about giving the corporation more power to deny democracy.

George Orwell would have been proud of this government. Perhaps I shouldn't say "proud." George Orwell would have recognized this government for what it is, the source of incredible doublespeak where democracy

doesn't mean democracy any more. When this government talks about democracy, they mean removing democracy, taking away democracy, placing obstacles in the way of democracy.

1550

Then there's the other issue. It's going to require workers, when they form a union, to hold separate votes on approving a first contract and on authorizing a strike. Somebody who's not technically aware or technically conversant in the mechanics of collective bargaining might not understand what this means. What it does is, it creates a scenario where effectively the workers can be put into a box. If they don't approve of the contract, the contract's not bad, the government can force and the corporation can force a vote on the first contract. If the workers don't like the contract and turn it down, they then have to call another vote authorizing a strike. If the workers have been intimidated such that they don't want to strike and they turn down a strike, they're now left in limbo. This is essentially about creating for corporations the capacity, even after workers have organized a union, to effectively put the union and the workers in a strait-jacket where they can't bargain and they can't strike; in other words, they can't do anything.

This is not about furthering collective bargaining. It's not about providing more effective mechanisms or machinery for collective bargaining to proceed. It's about putting in place another provision which has the effect of gumming up collective bargaining, of ensuring that productive collective bargaining doesn't happen.

Another proposal which will make it easier to decertify: this legislation will allow an application to decertify before an application for first-contract arbitration. Where workers have organized into a union, often the most difficult time for them is when they seek a first contract, when they go to the corporation and they say, "We have a number of issues, a number of grievances. This is the first collective agreement we'd like to have." Corporations will often at that point in time say, "No, we're not going to bargain a first contract." Under the existing provisions, workers could apply for the arbitration of a first contract. What this legislation now puts in place is that, in effect, an application for decert could be heard first. So before the workers even have a chance to show what they can achieve through collective bargaining, this government wants to put in place a provision which will drive a decertification. Before the workers even have a chance to improve their economic circumstance through collective bargaining, this government wants to ensure that they will be open to decertification application.

That's not democracy. That is, in effect, doing away with democracy and doing away with the democratic elements of bargaining a first collective agreement.

People who have looked at this bill actually refer to it not as the Workplace Democracy Act, but as the "More Workplace Firings Act," because what it does is put in place provisions that say that where workers have tried to form a union, where they've tried to organize for a union,

and let's say they're a few votes short of a majority, this legislation now says they can't try to organize again for a year. What will happen in that year? I can tell you what will happen in the year. The grievance and arbitration report—

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): On a point of order, Mr Speaker: Is there a quorum?

The Acting Speaker: I don't know, but I will find out if you want.

Mrs Dombrowsky: Please.

The Acting Speaker: Would you check and see if there is a quorum.

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the member for Kenora-Rainy River.

Mr Hampton: As I was saying, we know what happens in many places of employment where an application for the formation of a union has lost by, let us say, five votes, 10 votes, and the workers are successful in getting 40% support. We know what happens. Automatically after that, corporations will often sit down, go through their list of employees and start firing the people they know or they suspect want to form a union. What this legislative provision will do is give employers more time. It will allow them more leeway in doing that.

Once again, this isn't about ensuring democracy. This isn't about equipping democracy. This is about saying to corporations, "Where you have workers who want to form a union and they're unsuccessful, we're going to create a big open period where you can go after them and intimidate them and fire them and make sure that they won't seek workplace democracy again." This is about the deprivation and denial of democracy.

The arbitration reports and grievance reports are full of situations where employers have done just that. Where there has been a union organizing drive, where the workers have had the temerity to say, "We want a union," but they didn't get 50% support on the vote, there are all kinds of examples where the employer then goes on a rampage of trying to fire, trying to intimidate or otherwise trying to get rid of those workers they suspect were responsible for the drive to form a union.

This government is going to help corporations in that situation. They're going to make it easier to fire workers. They're going to make it easier to intimidate workers who only want to exercise the democratic right, the charter-protected right of freedom of association when it comes to collective bargaining.

I have to quote from the Sault Ste Marie Star editorial of November 6. They looked at this legislation, and their conclusion is, "How limiting the right of workers to choose strengthens democracy is hard to fathom." That's what this bill does. It tries to limit the capacity that workers have to choose a union. It tries in many ways to either deprive them of the right to make that choice or it

tries to make that choice harder for them to achieve. Doing that has nothing to do with democracy; it has everything to do with the denial of democracy.

In this legislation there are also some real sweetheart clauses for some of the government's favourite corporate friends. Many of us will know that over the last four or five years the Toronto-Dominion Bank actually went all the way to the Supreme Court of Canada trying to have their construction union contracts torn up. They went all the way to the Supreme Court of Canada and they lost. So after losing in the courts, they come back to this government and they say, "What we couldn't do legally in the courts we want you to do in the back room." This government, of course, is only too happy to do that. It's not about democracy. How could anyone say that writing in labour clauses, especially for a large corporation like the Toronto-Dominion Bank, has anything to do with democracy? Democracy is about one person, one vote, not about what's good for the banks. Once again, in George Orwell style, democracy doesn't mean democracy with this government any more, it means what's good for the wealthy and powerful.

What would this bill do for the Toronto-Dominion Bank? It's pretty clear what it would do. It would now make it legal for the Toronto-Dominion Bank to do, through this government, through this bill, what they couldn't do at the Supreme Court of Canada. It would allow the Toronto-Dominion Bank to tear up the signed agreements they have with construction unions with respect to their own internal construction projects. It means that the Toronto-Dominion Bank could simply tear up those.

1600

It also means that under these amendments the labour board can be required to declare that a trade union no longer represents the employees of the non-construction employer, such as the Toronto-Dominion Bank. That means that any employer who is not a construction operator per se could go to the labour board and ask to be removed from the construction provisions of the Ontario Labour Relations Act if they feel they can use the new definitions of "construction employer" to seek non-construction status.

How broad is this? Well, this is how broad it is: it would permit municipalities, school boards, oil companies, banks and similar parties who perform construction industry work the right to simply shed that. Even though they've signed collective agreements with their workers, they can now simply shed that. Does that have anything to do with one person, one vote? Absolutely not. It has everything to do with giving powerful corporations, the corporate friends of this government, the capacity and leeway to walk all over one person, one vote, to deny one person, one vote, to deny democracy.

George Orwell would be pleased at his capacity to see into the future. He would be pleased at his capacity to envision that a government would actually be elected which tries to so distort the English language, which tries to so distort the common, everyday meaning of words

that it actually engages in doublespeak. But he would be ashamed of what's happening. He would be ashamed at this abuse of democracy. He would be ashamed that a government would try, in such an underhanded way, to take advantage of ordinary people who simply through one person, one vote want to organize to better promote their economic self-interest.

That is why all kinds of people now refer to this legislation as the more workplace firings act, as legislation which denies democracy, legislation which does the bidding for corporations that are already powerful, for corporations that already, in too many cases, deny democracy or ride roughshod over democracy. This legislation simply gives them more power, more authority and is a further denial of democracy.

That's why this government should withdraw this bill. That's why this government should be ashamed to put forward this bill and try to call it workplace democracy. That's why this government should go back to the drawing board and recognize that expressions of workplace democracy are not bad for the economy, they're good for the economy. Where we have workers who have the capacity to organize for collective bargaining, we have some of the most productive economies in the world. In Third World countries that have limited the capacity of workers to organize for themselves and to engage democratically in collective bargaining, you have some of the worst economies and some of the most backward economies. But this government, for all its ideological reasons, refuses to recognize that. It refuses to recognize, for example, that western European countries that protect and promote the capacity to bargain collectively have some of the leading economies in the world.

Although we have had a tradition of collective bargaining and of promoting collective bargaining in this country and in this province for over 60 years, and during that period this province has experienced some of its greatest and most sustained economic growth, this is a government that wants to take away the legal provisions that have enabled that to happen. It is unfortunate.

It is unfortunate that this is likely to cause great instability in the economy. Working people are not going to put up with this kind of anti-democratic activity. They're not going to put up with this kind of distorted legislation, which denies democracy and puts more power and more clout in the hands of corporations. This government is going to contribute to more instability in the economy. It's going to contribute to more situations where strikes and lost time on the job are more likely to happen. That's unfortunate. But I suspect that three years down the road, four years down the road, likely not this government but perhaps even this government will want to revisit this issue and want to recognize that they were headed in the wrong direction.

I want to say, so that everyone understands, where we're coming from as New Democrats. We believe, and have believed since the inception of the New Democratic Party and the CCF, that collective bargaining, the capacity to organize into a union, the capacity of workers

to come together on the basis of one person, one vote, to better promote their economic interest in the economy and in the workplace, is to the benefit of all of us. If this government believes that low wages and taking away economic rights and the right to collectively bargain is the way to go, maybe they can explain to us why all of those Third World countries that don't provide for collective bargaining have such horribly depressed economies, have such an incapacity to move ahead.

The Acting Speaker: Comments and questions?

Mr Tony Ruprecht (Davenport): The leader of the third party makes some interesting points that really open one's eyes. He says that even before the first collective agreement is signed, sealed and delivered, the decertification process can take place already. When most members look at this, they will surely shake their head and say, "This isn't right." Even Margaret Marland would agree with that, I think; I'm sure about that.

The second point he's making is that workers who want to form a union and fall just short of 50% cannot try again for another year. Of course, we know what the grievances are all about; we know that certain intimidation can and will take place at the workplace.

But then the leader of the third party asked this government to withdraw this bill. I think this is where he doesn't understand the function of this government; he doesn't understand that. Once this bulldozer of this government continues and is going and the motor is running and the process is in place, I think he will be disappointed to find that this bill will not be withdrawn, simply because it can't be. The bulldozer is moving, and if you're standing in the way, even if you make a reasonable and most just argument, the bulldozer will not stop—or will it? Has the leader of the third party somehow found a way to make this bulldozer stop? I would think he has not, yet he is hopeful.

Just the other day I was in front of the offices of the Minister of Labour. There was an assembly of about 80 people who were injured on the job. What were these injured workers asking for? They were asking for justice.

The Acting Speaker: The member's time has expired.

Hon Margaret Marland (Minister without Portfolio [Children]): I always appreciate it when members of the opposition try to speak on behalf of someone in the government. Although I have some regard for Mr Ruprecht, I would appreciate it if you didn't use words which you have not heard me use in the House in terms of supporting this bill.

The thing I am really proud about in terms of workplace democracy with our government is the fact that with this legislation we have a combination of workplace democracy and economic growth. Speaking as the minister responsible for children, the greatest thing we can do for the children in this province is ensure that their parents have jobs. With 795,000 new jobs in this province—not government jobs, by the way; the previous two governments, both the Liberal and NDP government, created jobs in this province by spending the taxpayers' money and creating "government jobs." We're talking

about 795,000 private sector jobs, so now the parents of the children for whom, frankly, we in this place are all responsible, those parents now can work.

For the first time in three decades the unemployment in this province is down to 5.5%, so if you have it as a given that there's always going to be a percentage of people who cannot work, we actually have 100% employment in this province.

I'm extremely proud of the leadership of our Premier on all of the policies of our government that have brought about this economic growth for Ontario, benefiting everyone who lives here.

1610

Mr Caplan: I'd like to congratulate the member for Kenora-Rainy River for his comments.

He talked about the cooling-off period that's contained within this bill, that after an organizing drive, if it's not successful, that there would be a one-year period where you couldn't organize. But you see it's far more insidious than that. It's not the union which tried to organize; it's any certification drive, any union which wants to go in and organize workers to be in a collective situation, not to have to deal individually.

I know that this is a foreign concept perhaps to members of the government, but what is so wrong with workers in this province acting in concert, working together for better wages, for better working conditions? What this legislation will do is prevent any of that activity from happening for one full year from one union or another union or a different one. That is draconian. That is beyond the pale and I know that the member for Kenora-Rainy River will want to comment on the fact that it's not just a prohibition on a certification drive again by the same union but by anyone.

I would seek the opinion from the member for Kenora-Rainy River because I know he has a lot of experience in these matters when it comes to workplace safety. It so happens that in the province of Ontario, of the last 20 deaths on construction sites, 18—fully 90% of those deaths—have happened in non-unionized operations. That's 90%. That is not a coincidence. That is not something that just occurred through happenstance. It is a fact that in a unionized construction operation you have a safer operation.

You have the possibility—and I would say to the minister responsible for children—for the parents of those children to arrive home and arrive home alive and safely. That should be the goal of every member of this Legislature.

Mr Marchese: I want to congratulate our leader from Kenora-Rainy River for his comments in highlighting what are essentially attacks against labour.

I'm not surprised that governments would do this. They have nothing else to debate. When you have lost track and you don't know what else to do, you go to your old standbys. What are those old standbys? They've organized Project Pee against welfare recipients. They're now going to test them for drugs as a way of determining whether or not they're entitled to welfare. It's a good old

standby. You can always go after welfare recipients, because there's a whole sector of the population who will say to the government, "Right on, Mike." And when you don't have that standby, the next best thing is you go after the unions and the union bosses.

They've got a couple of bills, this is one bill and we've seen another previous bill against labour, and we're going to see more changes to the Employment Standards Act. More and more is coming, because they've got nothing else.

So our new guy on the block, Guy Giorno, is advising Mike, "Let's go on the issue from which we can get the most mileage, the one that will divide society the best and keep us in the forefront of that struggle, and we do that by attacking labour."

Only 34% of labour is unionized in this country. What a culture Canada is. What a culture where the majority of the population doesn't support the fundamental nature of why unions are there in the first place, where this government could introduce changes and assaults on its unions and find enough support out there with the help of the corporate sector that says, "Right on, Mike. We're open for business as we go and do all the dirty things that we can against labour."

Support my leader and the comments he made. I'll speak to this later. Thank you.

The Acting Speaker: The member for Kenora-Rainy River, the leader of the third party, has two minutes to respond.

Mr Hampton: I just want to say a few words about this government's attempt to say that taking away the rights of workers to organize into a union, taking away the capacity of workers to bargain collectively, is somehow associated with a more prosperous economy. What balderdash.

I hear Mike Harris try to say that he is responsible for economic growth. I hear Jean Chrétien say that he is responsible. I hear Ralph Klein in Alberta try to say that he's responsible. When I listen to American news, Bill Clinton tries to say that he's responsible. I expect next week George Bush will try to make out that he is responsible.

The reality is that Mike Harris has nothing to do with the booming economy in western Europe and in North America. The reality is that Jean Chrétien has nothing to do with it either. The reality is that Bill Clinton doesn't have anything to do with it. The reality is that we are in a process where we're not engaging in wars all around the globe and where more of people's productive assets have been invested in making themselves more productive rather than in producing military equipment. The second thing that has happened is that, through the advantages of information technology, we can now make more workers, in fact possibly all workers, more productive. This has nothing to do with Mike Harris and his depriving workers of their capacity to organize. It's got nothing to do with tax cuts. It is of great benefit to people in western Europe and in North America, and these people are completely

farcical in trying to take credit for that and trying to associate it with attacking workers.

The Acting Speaker: Further debate?

Mr John O'Toole (Durham): It's very flattering to follow the member for Kenora-Rainy River, the leader of the NDP. I applaud him for his dogged defence of the union movement, as old as it is. Its ability, its lack of ability, to reform itself is really what this is about.

There's no question that workers, at whatever level, with whatever skill, need protection and rights in the workplace. If you look at the very important beginning point of Bill 139, it is fulfilling a Blueprint commitment that this government made to the workers, not just in my riding of Durham or the riding of Jerry Ouellette, the member for Oshawa, or for that matter for Janet Ecker, who's now the Minister of Education, or for Jim Flaherty, who's now the Attorney General, or for Frank Klees, who's the whip. We stand for people and people's rights. It's a starting point, I know, but it's a starting point that needs to be restated. In fact, many have referred to this bill as the giving back of rights, unlike the member for Kenora-Rainy River, who is saying it's a take-away. Of course that's an attitude anchored in sinking sand, the quicksand of not being able to adapt to the new economy, and at the same time recognizing that employees are better educated, better trained and looking forward to careers, perhaps two and three careers in their lifetimes. So it is a changing dynamic, as we have a globally competitive economy.

We're giving employees specific rights and responsibilities. Because Bill 139, which was introduced by the Honourable Chris Stockwell—whose father, by the way, ran for mayor in the municipality of Clarington just recently. Unfortunately, I have to report that he wasn't successful, but he had the courage to seek public office once more. That may be somewhat off the topic. Nonetheless, I'm going to help the members of the public, to whom I'm speaking—and I know when Stockwell Day spoke directly to the camera there were people who didn't like that. But I'm speaking directly to the people of Ontario who elected me to be here.

1620

I would say that the explanatory notes are very important, because they're somewhat technical, and if I remain uninterrupted I might get through this.

The open periods during which a trade union may displace another trade union under subsections 7(4), (5) and (6) of the Labour Relations Act are changed from two to three months. So what it's really doing is providing a little bit more time and cooling off between disputes or disagreements, whether it's a certification vote or a decertification vote. In fact, I'll be covering other sections on how employees in workplace democracy are now going to be making choices. That's something new. It's something quite new. But I trust the people, I trust individuals.

The member before referred to George Orwell or Brave New World. I really think it's the opposite to what he's saying. It's clear that the Big Brother mentality of

the past, the big unions—the OBU it was called, One Big Union—was what Walter Reuther, the founder of the industrial labour unions, was all about: protecting the early organizing of industrial trade unions. It's evolved today. If I look at the Ontario Federation of Labour, for instance, the federation wants to kick out the largest union, the largest union being the United Auto Workers. Under Buzz Hargrove, it's taking quite a different approach. So within the labour movement today, Mr Speaker, you would know that there is a certain amount of disharmony between Wayne Samuelson of the Ontario Federation of Labour and on the other hand the UAW under Buzz Hargrove.

There are those who think the public sector unions under Sid Ryan and Leah Casselman and people like that are quite terrified that as we look at other ways of delivering services, improved ways of delivering service and accountability, there are changes under foot, so that people in a position where a union for years has represented the strength of their position and the assurance of their employment have to change and adapt, because if we aren't competitive in some way—and the private sector sorts it out by finding out that the products themselves aren't competitive in quality or price, they therefore are no longer made in this country and therefore there are no jobs in this country and the economy moves to other parts of the world, and we become importers. When you look at the federal government's role today and you see the value of the dollar slipping dangerously close to 60 cents, you realize that when we have to buy products from other countries, whether it's food or industrial materials, or indeed services, we're going to be paying a higher price for that, because that's really a measure of our productivity.

But to get back on track on this workplace democracy legislation, there are other parts I want to mention. Sections 7 and 10 of the act are amended to provide for a mandatory one-year bar where a certification application is withdrawn before a representation vote twice in a six-month period, withdrawn following the vote or dismissed by the board. I think it's important to clarify here that in those circumstances the bar applies to any union with respect to a previous attempt to organize, and that's the key here. There's a moratorium from being able to just relentlessly try to organize, and it provides a breathing space, not just for that specific union but for any union attempting to organize that workplace. So it's one year, providing some stability in the workplace for the employer and, I might say, the employees, where there isn't this continual harangue going on in the workplace of trying to organize a certification vote.

An amendment to section 43 of the Ontario Labour Relation Act to make it mandatory for the board to deal with decertification applications or displacement applications before dealing with or continuing to deal with applications for first-contract arbitration: if the board grants the decertification or displacement application, it must dismiss the first contract arbitration application. It's quite technical, but if the board dismisses the decertifi-

cation or displacement application, it must then proceed to deal with the first contract arbitration application.

This isn't a case where a workplace is going through a process of trying to establish a first contract and where it has then gone to a decision of the Ontario Labour Relations Board. So despite some of the generalities that we'll hear today, this is a very technical bill helping to have the Ontario Labour Relations Board in some instances deal more responsibly with decisions in the workplace and the failure to make a timely decision and the right of a chair to make a decision if there hasn't been a decision rendered by the board, and also for the workplace participants themselves to have closure and stability in the workplace instead of this relentless attempt to organize, or disorganize.

The open period during which employees may apply for decertification of a trade union under section 63 of the act is changed from two to three months. We've added another month here where there's an attempt to decertify a trade union. That cooling-off period provides stability and competitiveness in the workplace, and I think for the betterment of those employees, and employers I might say, who are in the midst of making contract bids.

Section 63.1 is added to the act to require the minister to prepare and publish a document describing the process for making an application for decertification within one year of royal assent of this bill. In other words, if this bill is passed, the minister of the day will be required to prepare and publish a document describing the application for decertification. Today I can tell you, having worked at General Motors for over 30 years, that kind of explanation or information is simply not available in the workplace.

Employees have, first, no choice of whom to pay their dues to. In fact, if it's a closed shop, that means they have no choice of belonging or not belonging to the union. On top of that, they have no way of knowing how to get out of the union if indeed they should. But the keyword here, the operative word, is "democracy" in the workplace, and if that provides some sort of threat to the NDP, I don't think they're paying attention to the informed, educated, mobile worker of today who wants, first, to have a job and, second, to make sure that all the issues that collective bargaining deals with are dealt with. I'm certain they should be dealt with. In many cases, in the labour laws that cover workplaces in the province today and under the federal government, there are significant laws with respect to workplace safety, employer rights and fairness and equity in the workplace. I think it's incumbent on the government to provide that for either a unionized or a non-unionized workplace.

You'll see in another bill we have coming, the Employment Standards Act that is being reviewed, that some of the changes in there are quite necessary. I think looking at families working and parental leave, absence and those kinds of things are very important—modernizing the workplace. I don't think there's anybody who can talk against it. Flexible work time arrangements are

very important. Those simply aren't provisions that are available in the rather inflexible industrial and union environments today.

I challenge them to try and modernize and work with the minister to make sure that such things as seniority lists, which are sacred to the union movement, are looked at and examined to see if there are other ways of protecting workers' rights while allowing employers to remain competitive. Training comes into all of this, the ability to train employees. Who gets trained? Certain employees get to points in their careers and perhaps they're not interested in training, yet they're required to be called in on certain kinds of work certification situations, specifically in skilled trades areas.

Our new section 79.1 of the act applies to votes to ratify a first collective agreement and votes to strike in order to obtain a first collective agreement. It is very important to clarify this. It's simply a case of, "What am I voting for here?" It will require that the ballot question in a vote to ratify a collective agreement or memorandum of settlement be restricted to a clear choice between ratifying or not ratifying the agreement or settlement.

That would be a very clear question, rather than having a lumped-together question which would mandate a strike vote at the time of ratification or of not ratification. In other words, if I don't ratify, it means I automatically want to go on strike. No; maybe they want the union leadership to go back and negotiate further strengthening of their protections. Those protections may be different between the union leadership and the seniority membership, the dues-paying membership.

The membership might want something as important as job security. Rather than a pay increase—as opposed to more premiums or more health care or whatever under the private coverage under their pensions for dental—they may want improved vacation entitlement, time off to be with their families. Individual needs today I think clearly aren't permissible, aren't allowed to be recognized by the traditional kinds of attitudes that I've witnessed in the workplace over 30 years, I might say. Again, under section 79.1 it requires that the ballot question be clear.

Also, in a vote to authorize a strike, there would have to be a separate ballot question to restrict the choice to authorizing or not authorizing a strike. No reference to ratification of a collective agreement or memorandum of settlement is permitted.

It is providing a clear choice so people aren't drawn into voting one way when they only want part of the question on the ballot. That's one of the issues today in the modern debate on the whole referendum question: clarity. I think the federal government sort of solved that clarity bill themselves. Well, maybe they didn't. The courts will decide that.

1630

The new section 92.1 of the act requires unions to disclose the salaries of officials and employees whose annual income from salary and benefits is \$100,000 a year or more. Hopefully there won't be many on that list.

There aren't many members here in the House, except for the NDP, who've recently had a raise because of their party status. We agreed to give them all a raise, 25% to 40%. Howard Hampton voted for it. David Christopherson, a strong union member, was the chief negotiator with our House leader to get party status so they could get a raise. The public doesn't know that. I hope some of the Liberals on the other side get that out.

The whole issue of the 42% increase for all of our members I think is completely unacceptable. I regret that the *Toronto Star*—the *Toronto Star* made this story up because I can stand here in the House today and tell you there was never a government document that I saw or that any member of this caucus saw with the number 42 ever appearing on it.

I look at the Liberals. They're drooling. The Liberals want it both ways. They want us to vote an increase, and yet they want to blame us. It is like the biggest flip-flop I've ever seen. "Give me the money, but blame Mike Harris." This whole thing here, you have to slow it down. If you check Hansard, the Premier answered the question yesterday. I'm sorry, Mr Colle. I think the future mayor of Toronto is right here with us today. No, he is. I believe that Mel has made a wise choice because you'll never be in government as long as you're here.

Anyway, getting back on topic, I believe the wage increase was settled yesterday. Dalton was asking for something like 10% or 12% or 15%. The Premier said, "That's too much." That's what's in Hansard. I challenge you to sign on to www.gov.on.ca. Check the Hansard. It's there. The Premier said no to Dalton McGuinty yesterday. Dalton is not up to the job anyway. Really you've got to look at Sandra as the future leader over there, the member from Windsor West. There's another one: Windsor-St Clair is very strong as well. I have a lot of respect for him.

I'll get back on the bill, though. We were talking about the \$100,000. Out of respect to the members sitting here on Thursday afternoon, those who have stayed—I won't go much further down that road—that salary thing is clearly—when I think of the mostly Liberal members in Ontario, all of them making about \$145,000 or more, I'm envious. There's no question about it, because I'm not sure what they do.

The Right Honourable Jean Chrétien was asked in question period, "Name one thing you've done." I can't think of anything. What he's done is that everything he has done, he said he wasn't going to do. I'm going to just give a little part of a déjà vu thing here. First of all, he said they were going to cancel the GST. No, they didn't do that. They were going to roll back the free trade agreement. They didn't roll that back.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I enjoy listening to the member for Durham speak. I really came to the House today to hear him speak about the bill before us, Bill 139. He has failed to address that bill even indirectly in the time I have been in the House. I came here specifically to hear his views on this important legislation. While I'm most willing—

The Speaker (Hon Gary Carr): Order. The member is right; he should stick to the topic. I'll pay attention and make sure he does.

Mr O'Toole: I don't stand up in your time, but you're right, and I do withdraw that comment, although it's true.

The act is amended to provide that disputes with respect to a trade union's duty of fair representation under section 74—I think this is where the chair or vice-chair can intervene and make sure there's a timely decision brought from the Ontario Labour Relations Board.

There are a number of sections in here that really do apply to many workplaces. The member for Kenora-Rainy River mentioned some things that I somewhat agree with. I have a lot of respect for the NDP's position with respect to representing the interests of organized labour and big unions. There's no question about it.

But I was at the opening last week, during constituency week—my final remark—of the General Motors stamping plant in Oshawa. They've invested in Ontario about \$1 billion in new capital to create job opportunities for hourly and salaried employees. The president, Maureen Kempston Darks, was quite generous in sharing all of the attention with Mike Shields, the president of the local CAW. I commend her, because that's the new role that management has reinvented for itself in workplace democracy, and now we're waiting for the union.

I must compliment Mike Shields and Mr Scanlan, who is actually the president of the skilled trades group within the CAW local 222. They're working with Maureen Kempston Darks. The workplace is changing, and I think some of the provisions in this legislation are allowing that to happen. I'm anxious to see the feedback, even though there are no NDP people here to feed back.

The Speaker: Questions and comments?

Mr Duncan: I am pleased to respond to the member from Durham's points with respect to Bill 139. I'd like to begin by reminding him, because he did allude to the fact that this bill must be taken in the context of Bill 69 as well as the pending changes to the Employment Standards Act, that all of these directions taken together by the government, in my view and in the view of the official opposition, reduce significantly the rights of working people. When you're speaking of the Employment Standards Act, you're not only talking about organized workplaces; you're also talking about unorganized workplaces.

Historically in Ontario, particularly under the Bill Davis government, there was always balance in our labour legislation. If there was a giveaway on one issue, there was something given back. There was always consultation; there was always a sharing, if you will, of changes to the legislation. There is no balance in this legislation. In my view, it's simply a number of changes that make it easier to decertify a union or not certify a union, make it more difficult for unions to organize.

The government and the member opposite, in his statement, argued that the Ontario labour market has to adjust to a changing economic reality. I think it has

adjusted very well and I think our economy is doing well. We've had relative labour stability, we've had significant job growth, some of which the government itself likes to take credit for. I think, given all that, the government is risking inevitable labour market instability by making these kinds of changes unnecessarily and in a manner that was only provoked by the employer community. I urge the government to reconsider this whole band of changes that they have proposed.

1640

Hon Chris Stockwell (Minister of Labour): The difficulty with the position proffered by the member opposite and the opposition is they speak of balance. They leave the impression that before this bill there was balance. I submit to my colleagues today that there wasn't balance. The argument is, with respect to posting, how to certify or decertify your union. Let's think of the history. In the past unions, rightfully so, have been very aggressive to go out and negotiate. So any non-union workplace is out there and they aggressively attempt unionization. I understand that. In a union house, in a union workplace, the unions don't inform their members how to go about decertifying. I don't blame them for that. I understand that. Why would they? This is the old law.

The employer couldn't talk to his employees about how to decertify, so there wasn't any balance—zero. There was no information. Employees came to me and said, "We can't get this information." So on the one hand, in a non-union workplace they were aggressively informed of the information, and rightfully so, but in a union place—if you want to talk about balance—the employee couldn't get any information. What made that fair? All this bill says is that the employee be allowed to get information on how to decertify or change their union. It's not just decertification. Mr Hargrove's big complaint has always been that there's no information on how to change your union or decertify, so there wasn't balance there. They are suggesting these changes aren't balanced. Well, they are. They're rebalancing the Labour Relations Act because in the past it wasn't balanced.

Mr Mike Colle (Eglinton-Lawrence): I was happy to be here to hear my colleague from Durham. I think he made some cogent points. We're certainly very interested in some of the comments he made.

One of the perspectives I have is a historical one. In my riding in 1960, we had one of the most memorable and most severe tragedies in construction. We had the famous Hog's Hollow cave-in, where five workers lost their lives underground because of inadequate supervision and because of inadequate safeguards. They weren't unionized. Remember that when a lot of these workers went to the bank on Friday night or Saturday morning to get their cheques, their cheques would bounce. They couldn't even get paid. They were getting paid almost at risk. They also worked in the most unsafe conditions. Because of that tragedy, a Conservative member of the Legislature, Mr Frank Drea, had compassion and had the understanding that you had to have protections out there for workers.

I know this government is not saying they're going to wipe out these protections, but I just ask the Minister of Labour to be cautious in terms of where this government is going, because there are extremists within his party who will want to take this government back to those days. They've forgotten. They don't have that sense of history and understanding of what went on before you had protections for workers.

Perspective is very important in looking at whatever legislation we put forward, because those gains that workers achieved were hard-fought. They didn't come automatically. I think we have to be very cautious with every change we make to ensure that workers are protected and that we don't take their rights, their safety and their privileges for granted, because many of them are not able to fight for themselves.

Mr Bart Maves (Niagara Falls): It's always a pleasure to rise in the House and speak for a few minutes about the member for Durham, who once again has taken part in a debate on a bill, with the always well-researched information that he provides and a very common sense and rational look at bills and issues that come before the Legislature. Again, he has provided that for us today and I want to commend him for that.

The previous member, instead of engaging in the highly partisan "the sky is falling" rhetoric, which many colleagues on the other side of the aisle have engaged in around this bill—which, if you look back at the history of every piece of labour legislation we've brought in, is the type of rhetoric that has been engaged in by the other side—the member who just spoke didn't do that. Instead, he hearkened back and said, "There is a history in labour. There is health and safety. There were many reasons why we do have labour unions in the province of Ontario," and he's right. I'm glad he took that tack, because he then said to the minister that he doesn't necessarily think the minister is eroding those rights or the health and safety of workers, but he cautioned the minister to go slowly and to be careful when he brings forward these pieces of legislation. I think that's a good, reasonable contribution to this debate by that member, and I thank him for it. I also would say to him that I know this minister did quite a bit of homework when he brought this bill forward. He did work with both labour and business and non-union workers before he brought forward this package of change in this bill. He's done his homework; he's had his consultations.

The bill before us is a very reasonable bill, and I think the content of the debate so far has proven that.

The Speaker: Response?

Mr O'Toole: I'd like to certainly thank the member for Windsor-St Clair and of course the Minister of Labour—it's very important for him to be here today listening, as he always is—and the members for Eglinton-Lawrence and Niagara Falls.

More specifically as to the member for Niagara Falls, I don't know of any harder worker. He was telling me this morning that he had to get up at 4:30 to come to a meeting that we had this morning. I know he has young

children, and I just can't say enough about him. I know he was parliamentary assistant to the Minister of Labour, I believe from 1995 to 1997, and so he's very well versed on this, because these consultations aren't new.

I do want to touch very constructively on some of the observations made, and hopefully our Minister of Labour will pick up on some of this, because I respect the members on all sides here—that are here, actually.

The member for Windsor-St Clair mentioned there should be balance in labour relations. I couldn't agree more. Part of my undergraduate degree is in labour economics. In that, I did work in labour relations for some time, and I knew it was important to have good relationships with the union leadership and indeed with the employees when I was a supervisor and had other roles in the workplace, to respect people, and it starts there. To have an imbalance in the relationship or a balance-of-power problem is not healthy. I think today we've taken away some of those imbalances. We have the investment. We have close to 800,000 net new jobs in the province of Ontario, so I think the evidence is there.

To the member for Eglinton-Lawrence, I have a lot of respect for some of the things he's done, more recently the election of the new mayor of Toronto, but he talked about a tragedy and where somehow the tragedy was caused by the fact that they weren't represented. I think clearly issues like safety are not negotiable. Safety should not be left to that language within a contract. It should be the law of the land, and our minister is doing exactly that. I believe we're doing the right thing. I expect your vote on this bill.

The Speaker: Further debate?

Mrs Dombrowsky: I will be sharing my time on this matter with the member for York South-Weston.

I really am very pleased to be able to bring a perspective from eastern Ontario, from my riding. I've had an opportunity to speak with some of my constituents who will be impacted by this legislation.

I would also like to make a couple of comments about statements that have been made. First of all, the Minister of Labour made a point with regard to balance. My colleague from Windsor-St Clair has, I think, very appropriately pointed out that when labour legislation has been discussed in the past, there was an understanding that there would be a balance in terms of the discussions and the understandings and the outcomes.

The Minister of Labour would suggest that, well, this is balanced, this is an opportunity for employers—not an opportunity, actually. If this bill becomes law, it will be a requirement for an employer to post how, in an environment where workers are unionized, those workers can be decertified from their union affiliation.

I would suggest that a balance to that would be that an employer in a workplace where there are no unionized employees would be required by law to post information on how to become unionized. That, to me, would seem reasonable. If an employer where there is a union must post information on how to decertify from a union, then it seems only fair that in a situation where an employer has

employees who are not unionized, they should be required by law to post information on how those employees would become unionized. I would suggest that the honourable member's presentation in terms of balance is really, in my opinion, not appropriate or actually applicable in this particular case.

1650

I would also like to make a comment on a statement that has been made during this debate by the minister responsible for children, a member of this House for whom I have the greatest regard. She made the point earlier in the debate this afternoon that she's very proud to be part of a government that has created jobs and that there are children who have parents who are working. It's interesting that she failed to present the fact that many of those parents are working at minimum-wage jobs and those children really are not much better off, but that's another whole topic. The point I'd like to make with regard to that particular issue is that this bill is certainly going to have an impact in terms of safety in the workplaces where these jobs have been created. So I would suggest that the government needs to be very careful. Taking a great deal of credit for creating jobs so that kids' parents will have work is certainly one thing, and perhaps to be applauded, but my question is, do you really feel so great about that if the jobs you are creating may put their very lives at risk and may orphan those children whose parents now have these unsafe jobs?

I indicated when I opened that I wanted to present a perspective that I received from people in my riding about this particular bill. I have to say that when we consider legislation that has an impact in the area of labour, certainly I've never personally belonged to a union, so I think it's very important, in order to appreciate that perspective, to be in touch, first-hand, with those people. During constituency week, I did have some time and was able to meet with people who belong to unions in my riding.

Mr George Smitherman (Toronto Centre-Rosedale): You didn't go to Florida?

Mrs Dombrowsky: No, I didn't go to Florida. It was very important for me to be in touch with the people in my riding, and I very much appreciate the time they took to share with me their concern about legislation such as this. Points that were made to me by people who work in the trades professions and who belong to unions—they are gravely concerned that the passage of this kind of legislation will put their own personal safety at significant risk. They of course were able to provide to me some really rather startling figures that would support that, that would demonstrate that. There is clearly a higher incidence of accidents, particularly in the construction industry, among non-unionized employers. It has been indicated, and I have some notes here, that with regard to the building and construction trades, a non-union construction sector has a higher accident rate by 250%. They have a 250% higher chance of being involved in an accident in those building trades. It's very obvious that there is significant concern and worry within the building

trades professions for the safety and well-being of their workers.

As I indicated, I've never personally belonged to a union and I needed to have some sense, some understanding of why that would be the case. My constituents were very generous with their information and would indicate to me that very regularly those safety concerns, conditions and opportunities for upgrade and awareness of the tradespeople in terms of how to work more safely are issues and initiatives from the unions, that union representatives take the safety of their workers very seriously. It's very important to them that their workers come to work in a safe environment, so they work with employers and negotiate with employers to ensure that the conditions to which their members come every day to work are the safest possible. I believe we as Ontarians have benefited greatly from that.

The member from Durham made the statement that this is democracy in the workplace. I think it's important to understand that there's one workplace partner that has not been consulted, or certainly it has been presented to me that they have not been consulted. I would suggest that the legislation very clearly indicates that there has not been consideration for the will, the desire of those people in the workplace who belong to unions.

The member from Durham also made an interesting statement when he said, "This legislation will allow employers to remain competitive." I'm rather curious about that phrase, that the legislation will allow employers to remain competitive. I need to understand what the risk is to the competitive nature of the construction industry. For example, if this legislation were not to happen, I have not been made aware—and in my riding I try to be as accessible as possible. I have to say that I have not had employers come to me very worried that their ability to be competitive in their field is at risk or in jeopardy.

We on this side of the House regularly get accused of fearmongering. I'm not here to fearmonger. I'm here to share with you what the people in my riding have told me. I would suggest that phrases like "We need to bring forward this kind of legislation so employers can remain competitive"—I think that's a bit of fearmongering. It's suggesting that without it, there won't be healthy competition, and then of course we all know, as consumers in the province, that could have a very negative impact on our well-being and the health of our economy.

I'm not here to fearmonger. I'm here to have members of the government understand that I don't believe this legislation is balanced. I do believe that if this legislation becomes law, the safety of people, especially in the construction trades, will be significantly compromised, and I think that is totally unacceptable. I believe we've come a long way in terms of achieving safe workplaces in Ontario, and I think this would be a regressive step.

1700

Mr Joseph Cordiano (York South-Weston): I'm glad to have an opportunity to speak to this piece of legislation. There are essentially three points I would like to make with regard to this legislation, the amendments

being proposed, firstly having to do with the question of safety, particularly with respect to construction workplaces.

It is true that the non-unionized construction sector has had a higher accident rate, up to 250% greater, than the unionized sector. As a result of that, we say we are concerned about the nature of this legislation being brought forward making it easier for workplaces to become non-unionized, particularly in the construction sector. That would seem to be the case and the intent of this bill. If you examine the bill very carefully, it does raise the bar and make it much more difficult for unions to organize and to be successful in bringing about a first contract.

The provision in the bill which would see decertification take place, extending the period for an application to 90 days from the current 60 days, is another hurdle and certainly allows for decertification to take place with regard to the notice that's required.

I heard the minister earlier talk about balance with respect to this bill. He spoke of the fact that unions would find there is balance in the bill, that there is democracy with respect to posting information at the workplace. The employer would be required to post information. The labour ministry would make available information to be posted at the employer's workplace for a decertification notice. This would be a requirement.

The labour movement then says that in order to be fair, the same requirement ought to be placed on a non-unionized workplace; there should be a posting of information with respect to the certification process. This would balance out a non-unionized workplace with a unionized workplace and the question of certification or decertification at either of those places. When all is said and done, the labour movement says, "Why not allow information to be posted on how to certify in a non-unionized workplace?" That would only seem to be fair, to balance out the legislation. This is what we referred to when we were talking about balance.

Other members have discussed the history around the labour movement in this province and the hard-fought battles throughout the years, particularly in the construction sector where in the past there have been horrendous accidents. My colleague the member for Eglinton-Lawrence pointed out Hog's Hollow. That stands out in our minds as one of the most tragic cases of an accident in a non-unionized workplace.

The other thing I would like to mention is that Bill 139 would in effect lead to labour shortages precisely at a time when the economy has a greater requirement for more labour. There are huge labour shortages at the present time in the construction sector in all kinds of trades. This bill, in giving municipalities, school boards and banks the ability to tender their construction projects to non-unionized companies, would then have the effect of lowering wages. Lower wages would mean there would be less of an incentive to be attracted to the construction sector and to do this type of work, precisely at the wrong time, at the time where we ought to be encour-

aging the recruitment of skilled labour, particularly in the construction trades.

That is the story at the present time that we have been told by both sides, by the labour movement as well as management. Many of these contractors are unable to fill positions today, because there is a huge labour shortage. The effect of this legislation will be to lower wages, with the result that many of these municipalities, school board projects and the like will tender their projects to non-unionized companies that would then go out and obviously hire non-unionized labour, which would be paid at a lower wage rate than unionized labour. That is precisely the implication of this bill.

I fail to see how this act would help Ontario's economy at the present time—precisely the opposite. I would argue that this bill is a threat to Ontario's economy for the simple reason that labour shortages will be exacerbated and not alleviated. This bill would have that effect. I repeat, if there is a reduction in wages, which I believe this bill will cause, as a result of these projects now being tendered to non-unionized shops, at the end of the day there will be fewer people attracted to those trades. They are already having a difficult time attracting people to those trades: bricklayers, carpenters, you name it. As a result, there will be greater labour shortages, resulting in a slowdown in the construction industry. We see labour shortages in other sectors as well. If you have a greater number of non-unionized enterprises out there, then you end up with a huge problem.

I don't think this is going to be very helpful to the economy in our province at this time, particularly with the GNP numbers running as high as they are. Our growth rates for this year were over 5%. I believe next year will be another strong year.

I would say to the minister, who has just returned, that the concern I have with this bill is that it would have the effect of creating greater labour shortages, in particular—and I want to repeat for the minister—in the construction trades, where they are having a hard time attracting people. If you allow for the tendering of construction projects to non-unionized companies, where they're paying lower wages, at the end of the day you're going to attract fewer and fewer people to those trades in the construction sector. You know that's a problem. That's a problem right across the industrial, commercial and residential sectors. They are having a hard time filling those jobs as it is.

What I'm saying here is that if you have the effect of lowering wages for those non-unionized companies—and that's what's going to happen in a lot of these projects. You're saying yourself that you're going to have greater efficiencies if these municipalities, banks and school boards are able to tender out projects at lower cost to become more competitive. Obviously wages will be much lower for those non-unionized workers. What I'm saying is that's a disincentive to attracting labour. At the end of the day you're going to have a real problem here. That may be an inadvertent side effect of your legislation, but I'm telling you, it's going to be a problem.

We hear the labour movement and contractors tell us today that they are having a hard time attracting people to these trades, and it can only get worse with a bill such as this, which will make it difficult for those unionized shops to compete with non-unionized labour. Wages are lower in the non-unionized sector of the construction industry. Therefore, you're going to have fewer and fewer jobs go to the unionized companies than would otherwise be there for these projects.

I say to the minister, there are some concerns with respect to the balance. There's a very real concern with this legislation with respect to labour shortages that will be a side effect of this legislation, as well as the concerns we have around construction safety at non-unionized companies.

The Speaker: Questions and comments?

Mr Maves: It's my pleasure to respond to the member from Hastings-Frontenac who spoke, and the member from York South-Weston, a good member and a good friend of mine and not a bad hockey player in his own right. I appreciated the comments he made on the bill. But I want to say to him that it's true the construction industry has a high injury rate compared to many of the other industries out there; however, both the non-union and union sectors have those higher-than-average injury rates. As much as we work on health and safety and as much as all the construction companies work on health and safety, it's one of those industries that is a bit of a dangerous industry to work in. I don't foresee this bill having any impact or negative effect on injury rates at all.

The member also talked about a labour shortage. We do have a labour shortage right now and it's just going to get worse. In my area of the province, we're building a \$600-million-plus casino facility. Because of this government, we're doing a \$50-million expansion of Brock University. We're doing \$70 million of construction to our hospitals in the coming years. We're doing work at Niagara College. We're doing work on 650 new long-term-care beds. There's a lot of hotel development right now. A lot of commercial construction is happening, especially in my area. I've talked with both the construction unions down there and the construction employers and they know this is going to be a problem. That's going to in effect drive wages up, not down, in both the union and non-union sectors. Wages will go up because the laws of supply and demand say that when you have a labour shortage and you need a lot of labour, that drives wages up. This legislation is not going to reduce wages. In fact, wages will go up in the sector over the coming years because of the laws of supply and demand.

1710

Mr Dominic Agostino (Hamilton East): I'd like to congratulate my colleagues for a well-thought-out discussion in regard to the many loopholes and weaknesses in this bill. We've talked about this in the last few days, and my friend the minister is here, so I'm looking forward to maybe getting some answers here that I don't get in question period.

There are a couple of very parts to this bad bill that we focus on. My friend Mr Cordiano talked about the injury rates in industry. The numbers are awful when anyone gets injured or dies on any job site, but clearly when you look at last year, 18 out of 20 deaths in construction occurred on non-unionized construction sites. The injury rate is 2.5 times higher on non-unionized construction sites. Clearly there's a link between health and safety, the protection, the ability of unions to force changes on construction sites to help people in regard to injuries. There's a clear correlation. This bill drives toward more non-unionized construction sites, which will mean that unfortunately there are going to be more injuries, more deaths on work sites.

Maybe the minister can address the other part that's quite interesting. He has included a section that allows municipalities, hospitals and school boards to get out of those contract agreements from the point of view of using unionized labour only. I don't agree with his rationale, but one can make an argument in regard to taxpayers' dollars, the best deal and so on. We'll put that argument aside. What I'm really interested in is how banks fit into this category. The poor banks that are hurting, that are charging extravagant user fees, that are ripping off consumers, have been put into this category to be excluded and protected by the government of Ontario. These banks that are making \$1 billion a year need Mike Harris's protection here to make maybe \$2 billion next year. I want to ask the minister where the banks fit into this and how he rationalizes including corporations, banks that are making \$1 billion a year, into being protected by the government, and also the issue of the injury and safety rates which are extremely important.

Mr Marchese: I listened to the member from York South-Weston, unlike a few others in this place. One of the main comments he made is that this bill will have the effect of reducing wages. I think it's true. I not only think it's true, I believe it to be true, and they know that. The Tories know that. Of course if there's a shortage of workers, wages are going to be kept up, generally speaking. But the minister and the member from Niagara Falls know that if you've got a unionized workplace, you're likely to negotiate for better wages.

Hon Mr Stockwell: That's got to be the weirdest economic theory I've ever heard.

Mr Marchese: If you are in a non-unionized place, you've got no negotiating power. You're on your own. If you don't like it, the employer says, "That's OK. We've got a shortage. We'll get somebody else."

Hon Mr Stockwell: What are you talking about?

Mr Marchese: I'll start again. In a unionized workplace, Minister of Labour, wages are better and health and safety are better. I don't know whether you agree with that or not, but you might want to comment on that.

The intent of your bill in part, at least as it relates to this, is that if you throw off this contract to non-unionized labour, the intent is—and correct me if you think I'm wrong—it will have the effect of reducing wages. Why else would you be doing this except for that?

You quite clearly are showing your proclivities for your Bay Street buddies and the banks in particular, and you are no less pugilistic with labour because it suits your purposes to go and pick a fight with them. I know you're frank about it. You're quite frank when you say, "Look, we are for business and for the corporate sector." You make no bones about that. This is what it's about.

If you deny that this bill will have the effect of reducing wages, please help us. Tell me, will it increase wages? I'd like to know. Minister, tell me. Help me out.

Hon Mr Stockwell: You know, it's like going to a candy shop. I don't stop talking to these people. I just get to pick and choose what candy to pick up. I mean, you guys don't make any sense. I'm doing my best. You're the guy who stood over there—did you graduate as an economist?

Interjections.

Hon Mr Stockwell: Honest to God, he stood there and he said, "What they're doing here is creating a shortage of workers, and that way, with a shortage their wages will go down." What planet are you visiting? When there's a shortage of workers, wages go up. It's the whole capitalist thing, you know, the whole free enterprise. If you can't find the guy to do the job, then you're willing to pay more to get the job done. You're the only guy I know who said, "With a shortage of workers they'll drive wages down." I can't find anyone to fix the plumbing in my house, and I would have paid \$22. But since I can't find anybody, I'm only going to pay \$15. Honest to goodness, I just can't believe it. You're usually quite bright.

Mr Speaker, I'm talking to my friend Dominic Agostino over here. You know whom we're protecting? Municipalities, school boards, banks etc. The deal here is—now work with me; stay with me on this one. I'm going to help you. We're protecting the non-union construction companies; not banks, not municipalities.

Interjection: Why?

Hon Mr Stockwell: Why? Because I believe, in my heart of hearts, that in this great, free country of ours there shouldn't be a law on the books by a provincial government that says only unionized construction companies can do business with the government. That is absurd. I say to my friend from Hamilton, if it were the other way around and we had a law that said only non-union construction companies can do business with the government, you'd be apoplectic, even more than normal.

The Speaker: Response?

Mr Cordiano: Let me try and clarify what I had said in my original speech.

Hon Mr Stockwell: I'd forgotten what you said.

Mr Cordiano: My point was regarding labour shortages having been created as a result of wages being reduced, that you have the net effect, and it's an inadvertent effect, of fewer people being attracted to the trades. Get it? Right now there are few people attracted to these trades.

Hon Mr Stockwell: So the wages will go up.

Mr Cordiano: No. The fact of the matter is, they're having a hard time as it is attracting people to these trades with higher wages. At the present time you still have shortages. You have shortages today and it can only get worse tomorrow, when wages are lowered because fewer people will be attracted to those trades as jobs. Right now, that's what's happening. It's happening in other industries. You don't need to go any further than that to understand it.

At the end of the day, that's the real impact here. It's not about contracts being tendered. Contracts being tendered to do public works will mean lower wages. Obviously those non-unionized workers are going to make a lower wage than unionized workers. We know right now they make a very good wage. Unionized workers make a good wage today. There's no disputing that. When you're talking about cost savings, you will have cost savings because you are going to lower wages.

But let me repeat so that you get it: the fact of the matter is that when you have lowered wages, there are fewer people attracted to that type of work. You will have even fewer people attracted to that type of work when wages are lowered, because you are going to a non-unionized tendering company that will pay lower wages, because you're going to have more companies competing for that business. You will because there are many more non-unionized companies out there that are not competing at the present time. That's what is going to happen.

The Speaker: Further debate?

Mr Maves: Before I really get into all of my remarks I want to pick up on the member for York South-Weston's comments. One of the major reasons there's a shortage of construction workers in the commercial-industrial sector in Ontario is because the construction unions controlled apprenticeships in those areas. They knew it was in their best interests to have shortages of labour in the construction industry. The fewer people they brought into the apprenticeship program, the greater shortage they would have of construction workers in those areas, and obviously therefore wages would go up because the demand for a smaller number of workers in that field causes wages to go up. That's part of the reason why there exists today that shortage he talks about.

1720

Another aspect of the comments from the members opposite having to do with injury rates: the non-union sector in construction quite often is in residential construction, and residential construction in many places—Toronto usually excepted—is an area of construction where those who work in it have a lot less formal training. They tend to fly into and fly out of the sector. If injury rates are higher, that would cause the predominant amount of injuries in that sector. The non-union sector and the unionized sector—I think it needs to be realized when we're throwing around statistics—are just two totally different natures of the beast, between industrial construction and commercial construction and residential construction.

As I said in a two-minute comment before, every time we've brought in a piece of labour legislation, for the members opposite it was going to kill the economy, it was going to cause massive strikes, it was going to cause all kinds of health and safety problems. On every piece of labour legislation we've brought in since 1995, that's what we've heard from the members opposite.

Today, if you read what's in this bill—as the minister said in a wonderful opening speech—everything in this bill is very reasonable, very fair. He has had thorough discussions on all these issues with labour unions and employers. Some of the issues in here have been under discussion for a very long time. Once again the members opposite are predicting a holy war and this is just going to kill the economy. One of the reasons the economy is doing so well in Ontario is because of some of the labour legislation we've brought in in the past five years, not solely and completely but it is because of that. It's improved the economy. This legislation is also going to have that effect.

What's in the legislation? If we go through it, there's salary disclosure. We have salary disclosure: the members in this precinct, all of our deputy ministers or assistant deputy ministers in the public sector, our hospital CEOs, our regional CEOs, our regional governments, our municipal governments, our lawyers who are down there. Ontario Hydro used to have a raft of people. Every year we come out and the salary disclosure shows a whole list of people at the universities, the colleges, the hospitals, everywhere, who make \$100,000 or more. Publicly traded companies have similar salary disclosure requirements. Why wouldn't we include the leaders of the labour unions and the union executives in this sunshine law? We've never had it before. The membership of those unions have a right to know just like anybody else.

When we've brought it up before, the refrain on this issue for the past three or four years has always been, "They already know. We already disclose our salaries." Well then, fine. Then you should have nothing to worry about. If they are already doing it, then you should have absolutely nothing to worry about. Some of the labour unions have opposed it for a while now, but surely if they're already doing it, they can have no logic why they can't be included in the sunshine law the rest of us all live with. I don't think that sunshine law is going to cause the economy to stop and grind to a halt with massive strikes. I just don't see that.

What else are we talking about in this legislation? Decertification provision: right now, basically, when a workplace is unionized, the workers in that workplace have a very narrow window. There's a 60-day window at the end of a contract when they can file and try to decertify their union if they're dissatisfied with it. All this legislation does is expand that window to 90 days. It's a fundamental right, for any worker out there who wants to, to join a union. Similarly, it should be a fundamental right of any worker who is in a union, if he's not satisfied with the way he or she is being represented, to decertify that union.

I don't even know where they came up with this narrow 60-day window at the end of a contract where someone could try to decertify their union. I and a lot of other people can't understand why it's not open a lot more than the 90 days this legislation is proposing. But that's what it's proposing. Is that going to cause the economy to stop? Is that going to cause massive strikes and everything to grind to a halt? I don't think so.

What else have we got in here? Vote clarity: we've had many times in the past where a union will ask its membership to vote on whether or not they want to accept a contract offer. Combined in that question is the question of, do you like the contract offer and do you want to strike? It's a very confusing ballot. We've had labour board cases in the past over the confusion of these ballots, where two questions are asked and workers aren't sure what happens if they say yes to one and no to the other, or they're not even provided the opportunity to say yes to one and no to the other.

In this legislation we're saying that when you have a vote, the vote must be proposed in two different ways. The first question must be, "Are you satisfied and do you want to accept this contract, yes or no"? The second question, a totally separate and distinct question, has to be, "Will you give us a mandate to strike, yes or no"? I don't know how anyone can be opposed to that. Surely a union that is properly representing its members doesn't want to win a strike vote because of confusion among its membership. Surely they want their membership to be clear about what it is they're voting yes or no to. So vote clarity, is that going to cause the province to stop? I don't think so at all.

The next one—the minister just talked about this—right now, if a municipality or a school board or some other employer who does not have construction as his business takes on a construction project and hires a contractor, or a branch of a company hires a contractor or a plumbing company and that plumbing company happens to be unionized, then it's like the cooties. From that point forward, you have no choice but to hire unionized firms to do your work.

This legislation says no, municipalities, school boards and some of those companies whose principal business is not construction don't get the cooties when they happen to hire one person or one organized company to do some work so that forever more they have no choice but to hire only unionized contractors and unionized companies to do work. If I'm a municipality and we have some construction work that needs to be done and I want to put out a tender, is it fair that with taxpayers' dollars I can only look at a unionized firm to provide me with that service on that contract? It's not fair.

The members opposite—I've been in this place since 1995 and I've sat on several committees and I noticed in one of the press releases I saw that a former Liberal member from the members opposite, Mr Harry Pelissero, who is now the executive vice-president of the Independent Contractors' Group, said about this very clause that exists now that it is restrictive and unfair. He said,

"These changes introduced today would make it easier for these employers to restore openness and fairness to the tendering process." That former Liberal member of the Legislature has appeared before several committees and he has complained about this fact many times. Finally, after three or four years of hearing from the former Liberal member, we have heard his call and we are acting on it in this piece of legislation.

This is something else that is fair. A tender process should be open to all, not just 19% or 18% of the construction workforce. We believe that, employers believe that, most employees around the province would believe that in the construction sector, and certainly Harry Pelissero, a former Liberal from across the way, believes that.

1730

The Speaker: Questions and comments?

Mr Cordiano: I heard the member and his colleagues earlier, and I have to suggest to the member that the concerns we have with respect to this legislation are very valid concerns. We have concerns with regard to safety on non-unionized construction sites. We've pointed out repeatedly that safety is the major concern, that accidents happen at a much greater rate on this non-unionized sites, and in fact we have a 250% increase in the number of accidents on those non-unionized sites. That is a very real concern. Those are the facts.

With respect to balance in this legislation, as we've suggested and as the labour movement suggests, why not allow information to be posted on how to certify in non-unionized workplaces to balance out what's required under this act to post information in unionized workplaces about decertification. I don't think that's asking for too much. I think that's a proper balance. If that had been put in place by this legislation, we would have certainly been more amenable to supporting the thrust of this bill.

As it stands, it is unbalanced. It makes it much more difficult for labour to organize and to bring about a first contract. There are all kinds of hurdles there for the labour movement to go out and organize. In fact, the union movement has been dwindling in numbers, and that has been the case over the last decade. The numbers are shrinking. I don't think it's fair to say that this is a balanced piece of legislation.

Mr Marchese: I just remind the public that when the government titles its bills such as "workplace democracy," it belies the true content of the bill. It does the opposite. Why would they name it in such a way except to hide its true content? Why else would they urge employers, or want employers, to post something that facilitates the decertification of unions? Isn't there something there in terms of why this government wants to go after unions? That is obviously something that this government finds unsympathetic to their interests and to Bay Street.

What it is that unions really fight for, generally speaking? Isn't it better benefits for its members? Isn't it better health and safety so that their workers are protected on

the job? Isn't it better wages so that their members enjoy the benefits of a good economy, that we are having now for example, as opposed to not enjoying the benefits of a good economy? Why would this government facilitate decertification of unions, except to make those whom this bill is intended to benefit better and more profits?

When we speak about making it more competitive and that we are open for business, is this not intended to drive wages down by reducing wages and reducing the benefits that cost money to the employer? If this is not the intent, why else would Mr Stockwell and his government be doing it? How can he pretend, "Oh, this is for the non-union sector," as if it doesn't mean that it will drive wages down and have implications for health and safety and benefits for those workers?

Mr Joseph Spina (Brampton Centre): I'm really amazed because it appears as if both sides don't seem to get it. I say to the member who just spoke, he doesn't know why this bill has been named the workplace democracy bill. What's the situation right now without this bill? If a union wants to go in and organize, they can walk in. They have complete freedom under the labour legislation that exists to talk to the workers, to disseminate information, to pass information, to post information and to have a meeting. That is completely within their rights under the current legislation, and it will continue to be there.

What is the alternative if the worker wants to consider something else? The alternative is nothing: the owner's, the manager's and the employer's hands are completely shackled. They can't say boo. They cannot approach any employee to offer any alternative whatsoever. Nothing, nada, one word, whatever language you want to use. The employer cannot say anything, period, end of story.

Now what happens is, if the employee wants some alternative information, they now will have the right to seek that information, whether it's from the labour board, whether it's from the employer or whether it is from another union. If you want to talk about legislation that would bust the unions, we'd be breaking the Rand formula, and that is not what's happening.

Mr Agostino: Just to the last speaker on the government side of the House, if we follow the argument he has made, I would assume that the member would then support legislation that would make it mandatory to post unionization certification notices in every workplace across this province that is not unionized. That would be a rational extension of the argument why you would do decertification in unionized workplaces.

As my colleagues on this side of the House have suggested, this bill is all about driving down wages and increasing profits for the government members' friends in the corporate sector. If you were sincere about not driving down wages, about the fact that you're now going to allow unionized and non-unionized contractors to bid for certain sectors, including banks, if the argument your minister has made—that is, "We're not looking at driving down wages here, we're not looking at driving down benefits. What we're looking at is giving

non-unionized companies the ability to compete for jobs with unionized companies." If that is your real intent, here's a simple suggestion.

I was proud to be part of a group in the city of Hamilton, on council, that brought in what was called a fair wage policy. Do that here, if you're sincere about this. If you're sincere that your intent is not to drive down wages or to take away benefits, then bring in a policy that says, "Yes, non-unionized sectors can compete for those jobs, but they must pay wages and benefits equal to or close to what the unionized sectors would get." Then you have maintained that balance, you're not driving the wages and the benefits down. That would show some integrity in what you're trying to do.

So I challenge the government to look at that. They say we're always criticizing opposite. Well, here's a suggestion: bring in a fair wage policy to match this and then make it truly fair, make it truly competitive. Make it so that a bricklayer who is going to work for a non-unionized company makes as much money as one who works for a unionized company on that same job site. Then you've got fairness and balance. Anything short of that is simply a power grab and a greed grab by your friends who pay for tickets to your fundraisers.

The Speaker: Response?

Mr Maves: Thank you to all the members who responded to my 10-minute speech. The member opposite talked about being a municipal councillor in Hamilton who adopted a fair wage policy. What would be the sense of a municipality or a school board adopting a fair wage policy without the legislation? Without legislation, they can only use the union shops anyway.

After this legislation is brought in, they can then tender to either non-union or union shops. Then if a municipality or a school board wants to bring in a similar fair wage policy to that which exists in Hamilton, there's nothing to stop them from doing that. There's nothing that precludes that from happening.

Mr Agostino: If you don't have local agreements, what good does it do? You don't know what you're talking about.

Mr Maves: I know exactly what I'm talking about, Dominic.

The other point that the members opposite talked about was the dissemination of materials in the workplace, information materials. The members opposite just hate the idea that someone should have information about their workplace. They seem to hate the idea that someone should be allowed to know the procedures if they don't like the representatives; that they should be able to know the procedures for decertifying.

As the member from Brampton said, there is nothing stopping a union organization from entering workplaces now and disseminating all kinds of literature, phoning people at home and doing a whole variety of things—canvassing them outside the workplace to tell them about joining a union and how to certify. But there's no information for those people on the other side of the coin, if they want to decertify.

I'll quote the Hamilton Spectator. "What can be so awful about workers simply being advised of their rights in relation to their union? Is the union movement trying to hide information from their own workers?"

The member opposite should look at the whole Hamilton Spectator article. It's his paper. They understand that there is nothing draconian in this legislation and that it is indeed a democratization of the workplace.

1740

The Speaker: Further debate?

Mr Alvin Curling (Scarborough-Rouge River): I just want to make some quick comments in the few minutes I have about some issues that are very close to my heart and to the many people of this great province: the consistency of this government that normally speaks about democracy. To me, democracy means the participation of all people and the will of the people being exercised.

The key part of this bill that they spoke about is that Bill 139 is about enhancing workers' rights. I was very much appalled to learn that the minister admitted openly that while the economy, which we all know is doing very well—we're almost at full employment. The fact is they feel very strongly that they should change the terrain now. The whole fact is that the workers didn't ask for this, but the employers seem to have asked for that. This is the admission of the minister himself, that they should change all this. So the information basically came from the employers, a one-sided aspect of things. It does catch up with you sooner or later.

All during my working life, and continuing to work, there have been many times when people complained about the unions. Most of the people who come to my constituency office and complain about the unions, and say that the unions are not doing this and they should be gone out of the system, are those people who have no concerns at the moment. They are the same people who come back to me later on and say, "The employer is taking advantage of me and I would like to know if the union is doing something about it."

I think for the majority of the progress that we have made in the workplace, if it wasn't for the union it wouldn't be as progressive as it is today. The Conservative Party cannot come to their senses to admit that, but they know that is the case. It is evident. Why don't they open their eyes to see that even the safety of workers today in a unionized area is much better, and they are safer workplaces than those that are non-unionized. It is proven and shown that right now about 250% of places that are not unionized have accidents within the workplace—evidence of what has happened when we have a union there.

I presume that there is some sort of subtle thing undermining the aspect of things as to why they want to decertify many of these unions. That's one of the aspects of it that frightens me, that they would like to decertify unions. It's a matter of dismantling an organized way of protecting the rights of workers and it bothers me. Can you imagine if there were no unions ever? I presume no

one would get a lunch break, no one would even get time to go to the bathroom—no breaks whatsoever. I presume we would still have child labour. We would have women, of course, not getting any parental leave, and that brings me to the point itself about parental leave.

I think that this government, if they want, more or less as they say, to enhance workers' rights, what they could have been concentrating on today are things like extended parental leave. Here is an aspect of things that could have really improved the workplace and improved our society as a whole. As a matter of fact, I understand that this government bluntly turned that aspect of it down. Now, that is enhancing workers' rights, and I am appalled to know that we couldn't address that.

Very early on in this government's mandate, one of the first things it did to have better participation, better involvement, better contribution, was to cancel out employment equity. There are people within our workplace who are not having access because of a discriminatory act. They are paid less. You talk about enhancing workers' rights. Those are the things I think this government could be addressing, and then we would have got better productivity, even though the productivity is pretty high now. There are still people who are undermined because of some sort of class discrimination, colour discrimination, or whatever discrimination it is. The fact is, again, I'm not happy about some of the ways even the NDP handled the employment equity situation when it came about, because they were so blind about seniority rights, regardless of whether people were qualified, but the fact is they were addressing those issues very well, advocating for some of the issues that people wanted addressed in the workplace.

There are two people in my constituency—there are many others—who come to mind, Reverend John Borthwick and Vivien May, who spoke and wrote to me with passion and emotion about this parental leave—I'll go back to that—because they couldn't believe a government would openly turn that down, a situation that could easily enhance the workplace and society itself.

A fair wage policy: I hear the minister as he gets emotional and postures and flaps his hands around, and thinks that if he shouts louder or gets some cute words going, one will forget that their government should look after all interests of all people. When they focus on who they should protect, they say, "I think the banks should be protected because the unionized workplace is holding them back from making bigger profits." It's more or less for school boards. What they do is they throw that in. I presume you bring the school boards and other areas in that should be decertified after we bring the banks in, those capitalist individuals.

There's nothing wrong about making money. As a matter of fact, I wish everyone were a capitalist, but the fact is that as to how it is controlled and how legislation is instituted in this place, few people benefit. What happens is that the people who are wealthy and have most of the money in our society are just a few. The bottom line of it is that all those who are poor and have a

low income have to work harder and have to work under terrible conditions.

In the meantime this government will go to decertify an organization that has advocated much better than the government would. It is because of the inadequacy of what the government delivers to support those people in the workplace that we have unions today: to remind the government, to remind employers, that there are rights within the workplace, that people's rights should be protected. But it's not done; it's not done at all. Rather we put legislation in place that completely avoids those protection rights.

When I was the Minister of Skills Development, I remember that the boom truck operators were there, and if it wasn't for the union that had assisted and helped those organizations, we would have had more deaths in the workplace. We were having deaths there, and the unions and the employees and the employers had to get together to protect them and have a safe environment, a better workplace. What do we have today? We have a situation where this government is going to decertify that organization the best way they can.

All right, people will have a choice if they want a union or not, but of course if they want to assist, I think the information should be disbursed among the employers, among the companies, to say, "Here is how you can join a union," so we have a balanced aspect to it. But we don't have that at all. What we have is, "Here is how you can get rid of the union. Here is how you can go about it so that their rights are gone, because these people are exploiting your rights."

They have forgotten it was the union itself that fought so much to bring some decency and respectability to labour, to bring the fact that individuals can pay fair wages to someone who is working. If we had to depend on a Conservative government, it would be what we can get the least out of and make the highest profit, and the best way to get the highest profit is to make sure that those in the workplace are paid far less, under terrible conditions. If we can do that now, we can capitalize and manipulate and make sure our profits are maximized to the fullest ability.

I'm extremely concerned that when we talk about enhancing workers' rights, this is not going to do it at all. We can talk about all the mathematical formulas and what have you. That in itself has destroyed what governments are all about: protecting the rights of all people. We have, of course, employers and employees, but Bill 139 emphasizes solely protecting employers and enhancing profit for those who can make a profit. They're not at all worried today, because profits really abound. So I could never support a bill of this nature.

1750

The Speaker: Questions and comments? The member for Trinity-Spadina.

Mr Marchese: While I agree with much of what the member for Scarborough-Rouge River said, I disagree profoundly with his comments around employment equity where he hinted that somehow we had no due

regard for merit or the qualifications of the person in terms of getting a job. Nothing could be further from the truth in that regard. I don't know why he said it. I'm a bit sad by his comment with respect to it.

But with respect to everything else that's going on here, I can't help but think that when I hear the member for Brampton Centre—he was almost in tears in complaining about how the poor employers are shackled, they are powerless, the poor employers, to deal with their own workplace. Only 34% of the workforce in Canada is unionized—34%. How much further do you want it to go down? The poor employers with the big hefty power and money they've got are shackled by those few remaining unions to fight for better benefits, to fight so that there are fewer injuries on the board and to fight for better wages.

The litany of the attacks on unions is never ending. Bill 7 abolished anti-scab protection. In 1996 the Tories gutted the wage protection plan through Bill 49. In 1997 the Tories brought in Bill 99, which cut benefits for injured workers. In the same year they brought in Bill 136, which took away some union rights that would normally apply in amalgamations. In 1998, Bill 22, the Prevention of Unionization Act, stripped rights for workfare participants; and then Bill 31, Bill 139. I've got to tell you, incrementally, they're going to get to the Rand formula; it's just a question of time.

This is an attack on those poor unions that are remaining there, who are fighting for better benefits, for better protections for the workers who are in a unionized workplace and for better wages. That's what they're after and that's what the public needs to hear.

Hon John Snobelen (Minister of Natural Resources): It's a pleasure to rise on this important issue in the House and to follow the words—always sagacious words—of the member for Scarborough-Rouge River and to make comment on those.

I have really two purposes in this brief discourse this evening. One of those is to relate a personal experience. I know many members in the chamber have brought those personal experiences to this debate. I can tell you, when I was a younger man, not quite so follically challenged, I was in a workplace and a member of a union. None of the people I worked with in that facility had voted that representation into the workplace. This was a workplace that had been organized for some period of time. The people who had originally organized it had moved on, retired, done whatever, and now the younger and newer workforce that I was a part of had not actually ever been consulted as to whether that was the representation they wanted. That doesn't seem very democratic to me and it's always seemed to be something a little bit wrong with that.

I hope that as we move forward and we modernize our labour laws to meet with a new labour force and a new set of circumstances, that we will do so keeping in mind that the people who work in the province of Ontario know their best interests. They understand what's best for themselves and for their families, and we can trust them

to make judgments for their families and for their futures which will reflect their own best interests. I think that's what this legislation truly does.

I'll move quickly to my second point, which was to congratulate the member for Scarborough-Rouge River on celebrating his 39th birthday again yesterday and wishing him well for the rest of the year.

Mr Caplan: I too would like to compliment the member for Scarborough-Rouge River on his comments. He touched on a very interesting point: what this legislation is assigned to do. The attempt to decertify unions, which certainly this is promoting, will lead to lower wages.

I find it amazing that a party that embraces two-tier health care, that embraces private universities, that is embracing an agenda of vouchers in education, all of these additional costs that they are expecting and promoting that the citizenry should bear, at the same time trying to lower wages for the working people of this province, for hard-working families—it just doesn't add up. Obviously there is an agenda here to ensure that certain services within our province, be it health care, be it education, post-secondary education or other kinds of services, will be available to some, to an elite few in our society, but the rest of us will not be able to enjoy them because of the desire to drive down wages, because of the desire to attempt to—to use some of the lingo that's used—make us more competitive. But it's only competitiveness for a few. The rest of us will have to suffer. I find a glaring incongruity.

What is so offensive about men and women in this province organizing themselves through collective power to take on a Wal-Mart, to take on ING Direct, to take on the large, powerful institutions? Does any one of us have the ability to do it? No. It is through that collective action.

I once again congratulate the member for Scarborough-Rouge River for having perfect clarity about what this legislation is all about.

Mr Spina: I respect the words of the member for Don Valley East. There is nothing here that criticizes the right of the workers to certify or to organize. That's not the question here; that's not the point, and we are on the same side in that regard, I say to the member.

The point that is really opposite falls more directly in the hands of the member for Trinity-Spadina, who, had he had another chance to speak, I'm sure would have. But the reality is that he stated that employees don't have the right to decertify because the union knows best. That doesn't make sense at all. Where's the democracy in that? There's no question that the individual employee should have a choice, and if you're going to have

democracy in the workplace, it's true democracy: you vote to be able to certify; you vote to be able to decertify; you vote to be able to choose another union. All we're saying here is that the individual employee has the right to be given information to be able to make their informed choice.

Mr Caplan: You should have it both ways, though.

Mr Spina: Absolutely. But they can have it both ways. The right for the union to communicate to the worker is currently there and will remain there. What we're saying is that there is also a right for other parties to be able to communicate. Let the worker have a choice. That's why it's called a democracy act.

The Speaker: Response?

Mr Curling: I'm so happy to be the one who has the last word on this. The last word from the Conservatives, from the member for Brampton Centre, said let it be a democracy. That's a rather interesting word you use.

The member for Mississauga West was quite generous in his contribution, his remarks to me, and I want to thank him too, and the member for Trinity-Spadina made his comments.

My colleague from Don Valley East focused exactly on where I wanted to go and where we should be heading, in this direction.

But you see, he said it's about democracy. If there is one party within the three of us here that understands the word "democracy," I would say it would not be the Conservative Party. This is the party and this is the government that have cut off more debates in this House than any other government that has ever sat in this House. They have curtailed debate, they have curtailed consultation, and then my wonderful friend from Brampton Centre, this honourable gentleman, says it's about democracy.

If it is about democracy, give the workers more say. If it's about democracy, why don't you put all the information out so that if people want to know how to form a union, that is out there in the same balanced way, instead of saying there's a one-sided way about all of this? If it's about democracy, open this up for more consultation. Let people talk about it. Don't just go out and talk, make legislation or a bill, and then decide that's the way you're going to go and you have consulted.

Even with my speech today, we know we will not change the mind of that Conservative Party over there, because they are not a democratic party and they are not a democratic government in the least.

The Speaker: It now being 6 of the clock, this House stands adjourned until 1:30 on Monday.

The House adjourned at 1801.

THIRD READINGS

Toughest Environmental Penalties Act, 2000, Bill 124, <i>Mr Newman</i>	
Agreed to	5523

OTHER BUSINESS

Supplementary estimates	
Mr Hodgson	5518
Commissioners of estate bills	
The Speaker	5519

TABLE DES MATIÈRES

Jeudi 16 novembre 2000

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 1999 sur la protection des enfants dans les autobus scolaires, projet de loi 24, <i>M. Hoy</i>	
Adoptée	5516

DÉCLARATIONS DES DÉPUTÉS

Profession d'enseignant	
<i>M^{me}</i> Boyer	5517

PREMIÈRE LECTURE

Loi de 2000 poursuivant les mesures de protection des contribuables fonciers, projet de loi 140, <i>M. Eves</i>	
Adoptée	5519
Loi de 2000 modifiant la Loi sur l'observation du jour du Souvenir, projet de loi 141, <i>M. Wood</i>	
Adoptée	5519
Loi de 2000 modifiant la Loi sur le don de tissus humains (Réseau Trillium pour le don de vie), projet de loi 142, <i>M^{me} Witmer</i>	
Adoptée	5520
Loi de 2000 sur le jour de Giovanni Caboto, projet de loi 143, <i>M. Mazzilli</i>	
Adoptée	5520

DEUXIÈME LECTURE

Loi de 2000 modifiant la Loi sur les relations de travail, projet de loi 139, <i>M. Stockwell</i>	
Débat présumé ajourné	5554

TROISIÈME LECTURE

Loi de 2000 sanctionnant par les peines les plus sévères des infractions de nature environnementale, projet de loi 124, <i>M. Newman</i>	
Adoptée	5523

CONTENTS

Thursday 16 November 2000

PRIVATE MEMBERS' PUBLIC BUSINESS

Protection of Children on School

Buses Act, 1999, Bill 24, Mr Hoy

Mr Hoy	5499, 5506
Mr Dunlop	5500
Mr Crozier	5501
Mr Marchese	5502
Mr Tascona	5503
Mr Gerretsen	5504
Mr Kormos	5505
Mr O'Toole	5505
Mr Smitherman	5506
Mr Hastings	5506
Agreed to	5515

Protection of agricultural areas,

Private member's notice of motion number 27, **Mr Bradley**

Mr Bradley	5507, 5514
Mr Kormos	5508
Mr Dunlop	5510
Mr Tascona	5512
Mr Gerretsen	5512
Mr Maves	5513
Mr Colle	5513
Mr Barrett	5514
Agreed to	5516

MEMBERS' STATEMENTS

Child and family services

Ms Di Cocco	5516
-------------------	------

Environment industry

Mr Elliott	5516
------------------	------

Members' compensation

Mr Bartolucci	5516
---------------------	------

District School Board of Niagara

Mr Kormos	5517
-----------------	------

Valleys 2000

Mr O'Toole	5517
------------------	------

Schoolteachers

Mrs Boyer	5517
-----------------	------

Karla Maria Vega

Mr Wettlaufer	5518
---------------------	------

School bus safety

Mr Hoy	5518
--------------	------

Public safety

Mrs Munro	5518
-----------------	------

REPORTS BY COMMITTEES

Standing committee on general government

Mr Gilchrist	5519
Report adopted	5519

Standing committee on estimates

Mr Kennedy	5519
Report presented	5519

FIRST READINGS

Continued Protection for Property

Taxpayers Act, 2000,

Bill 140, Mr Eves	
Agreed to	5519
Mr Eves	5519

Remembrance Day Observance

Amendment Act, 2000,

Bill 141, Mr Wood	
Agreed to	5519
Mr Wood	5519

Human Tissue Gift Amendment Act (Trillium Gift of Life Network),

2000, Bill 142, Mrs Witmer

Agreed to	5520
-----------------	------

Giovanni Caboto Day Act, 2000,

Bill 143, **Mr Mazzilli**

Agreed to	5520
Mr Mazzilli	5520

STATEMENTS BY THE MINISTRY AND RESPONSES

Organ and tissue donation

Mrs Witmer	5520
Mrs McLeod	5521
Ms Lankin	5521

ORAL QUESTIONS

Domestic violence

Mrs Papatello	5523
Mr Eves	5523

Ontario Realty Corp

Mr Smitherman	5524
Mr Hodgson	5524

Labour legislation

Mr Hampton	5524
Mr Stockwell	5525, 5526
Mr Christopherson	5525
Mr Agostino	5526

Pharmacare

Mr Hampton	5525
Mrs Witmer	5526

Environment industry

Mr O'Toole	5527
Mr Newman	5527

Hydro rates

Mr Conway	5527
Mr Wilson	5527

Fort Henry

Mr Stewart	5528
Mr Jackson	5528

School extracurricular activities

Mr Marchese	5528
Mrs Ecker	5529

Property taxation

Mr Phillips	5529
Mr Eves	5529

Remembrance Day

Mr Wood	5530
Mr Stockwell	5530

Cancer treatment

Mr Colle	5530
Mrs Witmer	5530

Abandoned mines

Mr Spina	5531
Mr Hudak	5531

Northern health travel grant

Ms Martel	5531
Mrs Witmer	5531

Flu immunization

Mrs McLeod	5532
Mrs Witmer	5532

PETITIONS

Northern health travel grant

Mr Bartolucci	5532
Mr Marchese	5533
Mrs McLeod	5534

Registration of vintage cars

Mr O'Toole	5533
Mr Gill	5534
Mr Spina	5534
Mrs Munro	5535

School facilities

Mr Caplan	5533
-----------------	------

Education labour dispute

Mr Christopherson	5533
-------------------------	------

Prescription drugs

Mr Ruprecht	5535
-------------------	------

SECOND READINGS

Labour Relations Amendment Act, 2000, Bill 139, Mr Stockwell

Mr Caplan	5535, 5540, 5554
Mr Klees	5536
Mr Lalonde	5536
Mr Marchese	5536, 5540, 5548, 5550, 5553
Mrs Boyer	5536
Mr Hampton	5537, 5540
Mr Ruprecht	5539
Mrs Marland	5539
Mr O'Toole	5541, 5545
Mr Duncan	5543
Mr Stockwell	5544, 5548
Mr Colle	5544
Mr Maves	5544, 5547, 5549, 5551
Mrs Dombrowsky	5545
Mr Cordiano	5546, 5549, 5550
Mr Agostino	5548, 5541
Mr Spina	5551, 5554
Mr Curling	5552, 5554
Mr Snobelen	5553
Debate deemed adjourned	5554

Continued overleaf

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Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 20 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 20 novembre 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

SOCIAL HOUSING

Mr David Caplan (Don Valley East): Today we begin hearings on the Harris government's housing downloading legislation, Bill 128. A grand total of five hours has been allotted to gather input and hear deputants. In other words, out of the hundreds of individuals and organizations that wish to comment on Bill 128, only 19 are going to have an opportunity to do so.

It's no surprise to me, because no one supports Bill 128—not public housing tenants, not public housing providers, not municipalities, not even Mike Harris's own hand-picked adviser, David Crombie. I'm certain that Minister Clement did not even send this legislation to the Red Tape Commission, because Bill 128 contains enough red tape to choke even the biggest Tory dinosaur. Bill 128 is a disaster. It will hand municipalities a ticking time bomb, leaving local ratepayers to face enormous property tax increases.

The Social Housing Reform Act ensures that no new housing will be built. This is especially reprehensible at a time when we have a housing crisis in Ontario and—get ready for it, Speaker—we will now face an Ontario-style ethnic cleansing of the poor. If Mike Harris and Tony Clement are serious about ensuring that Ontarians have safe, decent and affordable housing, they will do the proper thing and withdraw Bill 128, the Social Housing Reform Act, today.

PARALYMPICS

Mr Brian Coburn (Ottawa-Orléans): I rise today to congratulate three extraordinary athletes living in my riding of Ottawa-Orléans. Jason Lachance, Chantal Benoit and Caitlin Renneson have just returned from Sydney, Australia, where they took part in the Paralympics. In fact, they didn't simply take part; Jason, Chantal and Caitlin were outstanding in each of their events. After capturing gold in the 100-metre sprint, Jason climbed the podium two more times for silver medals in the 200-metre and 400-metres sprints. Jason is also the defending world champion in the 400-metre sprint. Chantal and her basketball teammates took home

the gold medal, their third straight Paralympics first-place finish. Caitlin captured a bronze medal in the 400-metre. Caitlin set a 1,500-metre world record back in 1998 and has set the Canadian records in 800-metre and 1,500-metre.

Caitlin, Chantal and Jason exhibit some of the true spirit of the sport. The Paralympics are not brought to the world stage the same way as the Olympics are. It is unfortunate that there is a lack of television cameras there to broadcast all the glory. Paralympians compete with the same desire and determination and as hard as any other athlete in the world, and they are all champions.

I congratulate all three in their accomplishments and I wish them the best of luck in future competitions. I know they'll succeed on and off the court and the track.

CHILDREN'S SERVICES

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): In the spirit of National Child Day, I would like to take this opportunity to talk about our children. I'm sure every member, even the members across the aisle, will agree that our children are the future of the province. I believe it is our responsibility to ensure that every child is given the essential tools to make their future as bright as it can be.

Numerous studies, including the Fraser Mustard report commissioned by Mike Harris in 1998, have stated that a child's early years, especially the first three years, set the foundation for lifelong learning, behaviour and health. The government's answer to the Mustard report is the early years challenge fund. The government allocated \$30 million to spend on early childhood development, but there are strings attached. In order to qualify for the provincial funds, a pre-school program has to raise half the money it needs from private sources. So far, no school has been able to do that, and the money is still sitting at Queen's Park.

In large urban areas and in other larger areas in the province, the childhood program could become much easier because they have a larger population to draw from, but communities like mine in smaller rural Ontario are already stretched to the limit with fundraising initiatives. In my riding the community is already being asked to raise millions of dollars for hospital restructuring and other infrastructure programs. Why should communities be forced to foot every part of the bill for another Mike Harris scheme?

Children in my riding and other small and rural ridings deserve access to the same advantages as children in big cities, but apparently the Ontario government feels differently. This is just another example of the government ignoring the people of rural Ontario. It's programs like this that make the people of Ontario question the commitment to children of the Mike Harris government.

LONDON POLICE SERVICE

Mr Frank Mazzilli (London-Fanshawe): I rise in the House today to congratulate members of the London Police Service. Last week I recognized sworn members of the London Police Service. Today I wish to recognize civilian members of that service.

During constituency week I attended the awards ceremony for the London Police Service. I attended the ceremony as parliamentary assistant to the Solicitor General and as one of the area MPPs. Thus, it gives me great pleasure to congratulate the long-standing members of the London Police Service:

With 40 years of service: Arthur Springett.

With 30 years of service: John Marcin and Frances Melville.

With 20 years of service: Eldon Amoroso, Catherine Brennan, William Butler, Judith Campbell, Jeffrey Craigmile, Debra Dodds, Verna Fleuelling, Randolph Forsythe, Laurie Gassewitz, Judith Graybill, Angela Haggerty, Barbara Hornick, Linda Johnson, Catharina Jones, Diane Lansdowne, Paul Lasenby, Lorraine McDonald, Lori Nosko, Kathryn O'Flynn, Catherine Porter, Avril Potts, James Rae, Gloria Rogers, Christina Ross, Brian Sharpe, Catherine Sharratt, Penelope Stallan, Suanne Thompson, Willem VanWelzen, Dianne White-law, Robert Wilson and Susan Wood.

I ask the House to join me in congratulating these long-standing members of the London community. Without the contribution of this police personnel, my riding of London-Fanshawe and the city of London would not be the safe and beautiful community that we live in.

COMMENTS OF CANADIAN ALLIANCE CANDIDATE

Mr Gerry Phillips (Scarborough-Agincourt): I want to register on behalf of my leader Dalton McGuinty, my Liberal caucus colleagues and I hope all members of the Legislature our profound distress about the comments made by a federal Alliance candidate about new Canadians of Chinese and Tamil background.

Canada has been built over its history by immigrants from around the world joining our aboriginal community in a spirit of enormous mutual respect. This now-former candidate made several comments that are offensive to all of us and while this is strong language, they were racist comments. Canada has been blessed to attract enormously talented people who want to come our country from Hong Kong, the People's Republic of China,

Taiwan and Sri Lanka. We invited them, they came and they are doing great things for Canada. It is my fervent hope that the voices of all Canadians—all of whose roots, except for our aboriginal community, trace to other countries—will in a deafening roar drown out the racist comments of a few so our Chinese and Tamil communities clearly hear that, like everyone else in this country, they are welcome, they are at home, we want them, they are respected citizens of this country and racist comments will not be tolerated by anyone in our land.

RESTRAINT OF HOSPITAL PATIENTS

Ms Frances Lankin (Beaches-East York): I'm rising today to speak to members of the Legislative Assembly about a private member's bill I have coming forward on Thursday, Bill 135. It's a bill that would stop the physical restraint of the confused elderly in our acute care hospitals, older people who are not being tied up for any medical treatment purposes but simply because they are old and because they're confused.

I've sent every member of the Legislative Assembly a copy of the bill and some background information, research information about the medical problems with the use of restraint, as well as some of the other jurisdictions that have moved to prohibit this.

1340

I want to draw your attention to an article this week-end that was written by Star columnist Helen Henderson. Helen did a profile of some of the cases over the years that you should be aware of.

For example, at a Toronto-area hospital, Marion Post, described as a confused elderly woman, became the second patient in five years to strangle while trying to escape restraints in which she had been confined.

Lau Szeto, who spoke only Cantonese, burned to death when she tried to free herself by setting fire to her restraints. She had been placed in them because she was bothering people, trying to speak to them in a language that none of them understood.

In British Columbia, Lily Lee, who had been forgotten by staff, choked to death on her own vomit when she had been restrained to a toilet. As she struggled to get up, the restraints got tighter and tighter.

Geriatricians, the Geriatricians' Alliance, the psycho-geriatric association, many seniors' organizations and the Alzheimer Society are all supporting this bill. I urge every member of the Legislature to do the same.

PARALYMPICS

Mr Doug Galt (Northumberland): My colleague in the riding of Ottawa-Orléans just brought your attention to the Year 2000 Paralympics in Australia. I too rise today to pay tribute to all the athletes who represented Canada at these games, but I rise specifically to talk about one of my constituents who had the honour and privilege of competing at the Paralympics.

The athlete that I speak of is Kyle Pettey. Kyle Pettey returned home from Australia a champion. His outstanding performance, energy, and remarkable drive to succeed earned him a silver medal in the discus competition, and another silver in the men's shot put. Kyle's experience at these games is something I'm sure he'll remember for the rest of his life.

But while I'm particularly struck by Kyle's tenacity, hard work and devotion, I admire too the dedication of his coach, John Potts. A wise philosopher, Ralph Waldo Emerson, once said, "We all need someone who can help us do what we already can." Therefore I believe it was John Potts's winning, committed and visionary style of coaching that aided Kyle in his pursuit of an Olympic dream.

Speaker, I know that you join with me and thousands of others, particularly in the town of Campbellford and Seymour, as we congratulate both Kyle Pettey and his coach, John Potts, for their outstanding success at the Year 2000 Paralympics.

CHILD POVERTY

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Today is National Child Day. We are encouraged to celebrate the United Nations Convention on the Rights of the Child.

Times are good in Ontario, according to some. The economy is booming. So why is it we hear that there are more poor children than ever in Ontario?

This is the second report this month that has indicated that Ontario's children, those who need us the most, are being left behind by the Harris government. The Early Years Study has given very clear recommendations to the government about how to support children in Ontario. A report issued today by Campaign 2000 indicates that the number of poor children in Ontario has increased by over 90% since 1989, and the number of poor children with parents who work has increased by 50%.

It is time for the Premier to act. Campaign 2000 urges the government to increase parental leave, ensure that parents have access to quality child care, support and build more affordable housing, and ensure that parents receive a living wage.

Child poverty has increased under Mike Harris's watch. The statistics speak for themselves. Mike Harris is obviously not a leader or an advocate for Ontario's children.

DIALYSIS

Ms Marilyn Mushinski (Scarborough Centre): I recently attended the opening of the Scarborough Hospital satellite dialysis unit in my riding of Scarborough Centre. This satellite will serve over 400 additional new patients in the east Toronto area.

A lot of hard work and planning went into creating this unit. A number of dedicated people and organizations must be thanked, but I especially want to commend

the Minister of Health and Long-Term Care, the Honourable Elizabeth Witmer, for her interest and financial support.

In 1998-99, this government allocated more than \$7.6 million to treat dialysis patients at Scarborough Hospital. In 1999-2000, an additional \$10.7 million was allocated. In 2000-01, we've projected an expenditure of a further \$13.2 million to the program.

Health Minister Witmer's announcement of an additional \$22 million to expand dialysis treatment around the province will also have a positive impact for the many people who require dialysis treatment in east Toronto. The Scarborough Hospital will assist the Toronto East General Hospital in its establishment of a new dialysis treatment facility at the hospital in the near future.

I am proud to be a member of a government that is committed to improving the quality of health care in this great province of Ontario.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON ESTIMATES

The Speaker (Hon Gary Carr): Standing order 62(a) provides that "The standing committee on estimates shall present one report with respect to all of the estimates and supplementary estimates considered pursuant to standing orders 59 and 61 no later than the third Thursday in November of each calendar year."

The House not having received a report from the standing committee on estimates for certain ministries on Thursday, November 16, 2000, as required by the standing orders of this House, pursuant to standing order 62(b) the supplementary estimates before the committee of the Ministry of Health and Long-Term Care are deemed to be passed by the committee and are deemed to be reported to and received by the House.

Standing order 62(a) also provides that "The standing committee on estimates shall present one report with respect to all of the estimates considered pursuant to standing orders 59 and 61 no later than the third Thursday in November of each calendar year."

The House not having received a report from the standing committee on estimates for certain ministries on Thursday, November 16, 2000, as required by the standing orders of the House, pursuant to standing order 62(b) the estimates before the committee of the Ministry of Tourism, the Ministry of Labour, the Management Board Secretariat, the Ministry of Municipal Affairs and Housing, the Ministry of the Attorney General, the Ministry of Northern Development and Mines, the Ministry of the Solicitor General and the Ministry of Correctional Services are deemed to be passed by the committee and are deemed to be reported to and received by the House.

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Pursuant to the order of the House dated Tuesday, November 14, 2000, the bill is ordered for third reading.

Ms Marilyn Mushinski (Scarborough Centre): I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Mrs Mushinski from the standing committee on justice and social policy presents the committee's report as follows and moves its adoption:

Your committee begs to report the following bill as amended:

Bill 69, An Act to amend the Labour Relations Act, 1995 in relation to the construction industry / *Projet de loi 69, Loi modifiant la Loi de 1995 sur les relations de travail en ce qui a trait à l'industrie de la construction.*

The Speaker (Hon Gary Carr): Shall the report be received and adopted?

All those in favour of the report will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1348 to 1353.

The Speaker: All those in favour of the motion for the adoption of the report of the standing committee on justice and social policy please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted	Jackson, Cameron	Spina, Joseph
Baird, John R.	Johnson, Bert	Sterling, Norman W.
Beaubien, Marcel	Klees, Frank	Stewart, R. Gary
Chudleigh, Ted	Marland, Margaret	Stockwell, Chris
Clark, Brad	Mazzilli, Frank	Tilson, David
Coburn, Brian	Molinari, Tina R.	Tsubouchi, David H.
Cunningham, Dianne	Munro, Julia	Tumbull, David
Ecker, Janet	Mushinski, Marilyn	Wettlaufer, Wayne
Galt, Doug	O'Toole, John	Wilson, Jim
Gilchrist, Steve	Palladini, Al	Witmer, Elizabeth
Gill, Raminder	Runciman, Robert W.	Wood, Bob
Hardeman, Ernie	Sampson, Rob	Young, David
Hodgson, Chris	Snobelen, John	

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Crozier, Bruce	Levac, David
Bartolucci, Rick	Curling, Alvin	Martel, Shelley
Bountrogianni, Marie	Di Cocco, Caroline	McLeod, Lyn
Boyer, Claudette	Dombrowsky, Leona	McMeekin, Ted
Bradley, James J.	Duncan, Dwight	Parsons, Ernie
Bryant, Michael	Gravelle, Michael	Patten, Richard
Caplan, David	Hoy, Pat	Phillips, Gerry
Christopherson, David	Kennedy, Gerard	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ramsay, David
Cleary, John C.	Lalonde, Jean-Marc	Ruprecht, Tony
Collie, Mike	Lankin, Frances	Sergio, Mario
Conway, Sean G.		

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 38; the nays are 34.

The Speaker: I declare the motion carried.

INTRODUCTION OF BILLS

CORRECTIONS ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR LA RESPONSABILISATION EN MATIÈRE DE SERVICES CORRECTIONNELS

Mr Sampson moved first reading of the following bill:

Bill 144, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole / *Projet de loi 144, Loi visant à instituer la responsabilisation au sein des services correctionnels, à obliger les délinquants à démontrer qu'ils ne font pas usage de substances intoxicantes, à fixer les règles que doivent suivre les délinquants pour mériter leur libération, à permettre à la Commission des libérations conditionnelles d'intervenir dans les décisions en matière de libération méritée et à changer le nom de la Commission des libérations conditionnelles.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

The minister for a short statement?

Hon Rob Sampson (Minister of Correctional Services): I'll wait for ministers' statements.

MOTIONS

HOUSE SITTINGS

Hon Frank Klees (Minister without Portfolio): I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, November 20, Tuesday, November 21 and Wednesday, November 22, 2000, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Frank Klees (Minister without Portfolio): I seek unanimous consent to put forward a motion regarding private members' public business.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mr Klees: I move that notwithstanding standing order 96(d), the following change be made to the ballot list for private members' public business: that Mr Patten and Mr Levac exchange places in order of precedence, such that Mr Patten assumes ballot item number 74 and Mr Levac assumes ballot item number 54.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

1400

STATEMENTS BY THE MINISTRY
AND RESPONSES

CORRECTIONAL SERVICES

Hon Rob Sampson (Minister of Correctional Services): In 1867, the Fathers of Confederation believed that the principles of peace, order and good government would offer a new nation its best hope for growth, prosperity and civility. Crime was different then. In fact, a review of the logs at the Don Jail in Toronto reveals that offenders were arrested for offences such as stealing horses, committing high treason and owing debts. Needless to say, times have changed. Or have they?

It may surprise Ontarians to know that when this government was elected in 1995, fully one third of all jails operating in this province were older than this country itself. In many ways those jails stand as crumbling relics of an age when governments were content to ignore the challenges of correctional services.

Since 1995, this government has committed to spend more than half a billion dollars to construct new and modern jails, to retrofit other jails with security upgrades and to begin the process of mothballing jails that predate Confederation.

But it's not enough to simply replace bricks and mortar. By ignoring the realities of criminal behaviour we would be short-sighted and self-defeating. Approximately 80% of adult inmates and 60% of those who have been sentenced to community sentences have some form of drug or alcohol dependency. You cannot hold down a job and be fully functional as a member of society if you are shackled by drug and alcohol addictions.

To combat the scourge of drugs that plagues our institutions and our communities, this bill will establish a program of random and regular drug and alcohol testing for all offenders. If an offender fails to demonstrate that he or she is drug-free, then the response would be swift and sure. That offender would find himself losing his earned remission or he would be back in jail if he was serving his sentence in the community.

Drug use, especially in institutions, is a serious matter. Inmates who are high on drugs and alcohol pose a danger to correctional staff and other inmates. Drugs and alcohol destroy the will of offenders to break the cycle of criminal behaviour. Drugs and alcohol will only serve to sink an offender deeper into despair.

We will help. We will offer our treatment programs so that offenders can re-enter society with confidence that they can conquer their addictions. These measures will go a long way to holding offenders accountable for their actions, but we will go further.

This government has been calling on the federal Liberal government to follow Ontario's lead to stop coddling criminals and to finally get tough on crime. We have joined our voice to the cries of victims and the outrage of Canadians. The responses from the federal Liberals are a dismissive shrug and a deaf ear.

This government has urged the federal Liberals to scrap their statutory release law, or "discount law," as it has come to be known fondly to criminals. Federal legislation generously offers criminals one third off their sentence as if to be rewarded for going to jail. This reduction is known as "earned remission." Currently, earned remission is only taken away for bad behaviour.

The Ontario government believes that its generosity of spirit should be shared with the victims of crime and not the criminals. We can no longer wait for weak-kneed Liberals to embrace common sense. We warned the Liberal government not to doubt our resolve and today we have acted. In Ontario, inmates will have to earn their freedom. In Ontario, inmates will no longer be granted this gift at the end of their sentence. Criminals will earn their freedom by actively and positively participating in treatment and work programs, demonstrating that they are free of drugs and alcohol, and by abiding by the rules and standards of positive behaviour.

In 1993-94, the NDP government's parole grant rate was 59%. I am pleased to announce in this House that in 1999-2000, due to this government's emphasis on public safety, the parole grant rate has been reduced to 28%. Parole is now a privilege to be earned, not a right to be granted.

To ensure that every inmate is fully accountable for his or her behaviour, this bill will reconstitute the Ontario Board of Parole into the Ontario Parole and Earned Release Board. This board would retain the authority to make all parole decisions. In addition, this board would make decisions on all early and conditional releases except for short-term treatment and work programs or other administrative releases such as medical appointments. The Ontario Parole and Earned Release Board will ensure that offenders have earned the privilege to be released early. The board will be responsible for making early-release decisions for high-risk offenders—those serving sentences of 18 to 24 months—as well as have the authority to audit, review and reverse earned release decisions made by correctional institutions for lower-risk offenders.

This government can no longer rely on a correctional system that has often shown itself to defeat initiative and discourage innovation. Some people—even some people in this House—believe we have a model correctional system in Ontario. But how can this correctional system be a model when our best estimate is that eight out of every 10 offenders who come in the front door leave the institutions and re-offend? How can this correctional system be a model when we have the second-highest cost of any jurisdiction in Canada?

Some critics of this government cling to the fiction that everything will be all right if we just leave it alone. I say to those critics that their stubborn refusal to consider bold and innovative solutions renders their thinking as outdated as those relics of a distant age.

Last week, I had the honour of presenting 27 Ministry of Correctional Services employees and volunteers with awards for exceptional achievement. I have also come to meet many other dedicated professionals in the ministry. But we mock their dedication if we accept the status quo. I have faith in those employees who have truly made corrections their vocation. Correctional staff are not failing us; the correctional system is failing us.

To ensure that public safety is assured, we are introducing this bill to create a no-frills correctional system that is safe, secure, efficient, effective and publicly accountable. We will encourage innovation and creativity in the way correctional services are delivered. We will introduce more public-private partnerships to establish efficiency in the correctional system.

We do not believe that the public sector has a monopoly on effectiveness and success in correctional services. By introducing competition to correctional services, we believe this will create an incentive for publicly run institutions to strive harder and work harder. This will create a healthy and vital competition between publicly and privately run jails. The net effect of a mixed private and public system will be more efficient and more effective correctional services.

There are those who think that a private jail would never work here in Ontario. They are wrong. Private jails already exist. Project Turnaround near Barrie has been in operation for more than three years. Preliminary reports indicate that this facility is having a positive and significant impact on the lives of young offenders. We will build upon that success.

I have already introduced a bill today which establishes a framework for tough standards for services delivered through partnerships; in fact, for all services delivered in correctional services. To properly ensure that public safety is maintained, we will introduce stringent accountability measures into the Ministry of Correctional Services. We will do this by setting tough standards for the operation and performance for all jails, whether they be publicly or privately run. These standards will be the strictest of their kind in the country.

How will local citizens know their communities will remain safe? We intend to maintain a ministry official, an on-site monitor, at any privately run jail, 24 hours a day,

seven days a week. We intend to establish local monitoring boards comprised of professionals and local citizens who would have full and free access to all areas of the jail, 24 hours a day, seven days a week. We would retain the right to step in immediately and take over the delivery of correctional services in an emergency or if public safety were ever at risk.

The local boards would monitor the safety and security of the public, the offenders and the staff at the jail. These boards will first be established at the central north correctional centre in Penetanguishene and the central east correctional centre in Lindsay. These boards would eventually be established in every community that hosts a correctional facility.

The local boards of monitors would report directly to the Minister of Correctional Services, and the Minister of Correctional Services would make those reports available to the public.

This bill shows that this government is serious about public safety and will take measures to hold criminals accountable for their actions.

1410

CHILDREN'S SERVICES

Hon Margaret Marland (Minister without Portfolio [Children]): I rise today to celebrate the most incredible people in our society, our children. In Ontario, our government has made children a top priority, leading the country in our support of children and working to ensure they have every opportunity to reach their full potential.

In the past five years, the Harris government increased funding to key programs for children, despite federal Liberal government funding cuts to Ontario's education, health and social programs. The 2000-01 estimates indicate that Ontario's spending on children's services is the highest it has been for the last 10 years.

This remarkable achievement has been the result of the commitment and dedication of our Premier, Mike Harris. It was this Premier who took the initiative to appoint the first minister responsible for children in the history of our province. Premier Harris further demonstrated his commitment to Ontario's children when he commissioned the groundbreaking Early Years Study, which gave us new insight into the critical importance of early child development. He has since presented the study at two annual Premiers' conferences, helping to make early child development a national priority and raising the understanding of the importance of the early years internationally.

Our government is also implementing a concrete early years action plan, including the establishment of five demonstration projects and the appointment of a 10-member advisory council task group. We have also committed \$6 million in funding for early years community co-ordinators and \$30 million in an early years challenge fund to help implement early child development and parenting centres province-wide.

Our government values the contributions young people make to our communities. We are very interested in engaging them directly in discussions and decisions on the future of Ontario. I'm very excited to report that we have received almost 400 applications for our new Ontario Youth Council, and I expect to announce the council's first members later this year.

Our government believes that in Ontario we have the capacity to make sure no child is left behind, no child falls through the cracks and every child has opportunities to grow into a successful, happy, healthy adult—tomorrow's leaders.

On November 3, Premier Harris launched Ontario's Promise, a tremendously important call to action to all Ontarians to help our children achieve these goals. Ontario's Promise will bring together individuals, community service providers, volunteers, charitable organizations, business and governments to secure a brighter future for all Ontario's children and youth. This groundbreaking initiative focuses on five fundamental promises to all Ontario's children and youth: a healthy start; an ongoing positive relationship with a caring adult; a safe place that offers positive, meaningful activities outside of the home; marketable skills through effective education; and an opportunity to give back to the community. Ontario's Promise, just two weeks old, has already attracted \$22 million in support from the business sector in Ontario.

While we have made great progress in supporting Ontario's children, we know there is more to do to ensure that all children have the opportunity to grow into strong, healthy and successful adults. We believe that one child living in poverty is one too many. Our government feels that the best way to improve the lives of children living in poverty is to improve the economic circumstances of their parents. We are working hard to create an environment where parents can have jobs and be financially independent.

Since 1995, 795,000 net new jobs have been created and 565,690 people have stopped relying on welfare in Ontario, including 247,820 dependent children. We also have established and expanded programs for children and families who need additional assistance. We are providing a better start for Ontario's 139,000 newborns and their families each year through our \$67-million Healthy Babies, Healthy Children early intervention program.

Our partnership with the Canadian Living Foundation helps over 135,000 Ontario schoolchildren receive a nutritious meal each day through our \$4.5-million contribution to the Breakfast for Learning program. Since 1995, our government has increased spending on child care by approximately 30% and 19,000 new regulated child care spaces have been created in this province.

We have brought about powerful legislative and funding changes to better protect children at risk of neglect and abuse. We have increased spending on child welfare by 80%, to over \$650 million, allowing children's aid societies to hire 1,000 new child protection workers.

Our government has shown, and will continue to demonstrate, an unwavering commitment to the children of Ontario. I am proud to be highlighting this commitment today, National Child Day, a day to commemorate the United Nations' adoption of the Declaration of the Rights of the Child and the Convention on the Rights of the Child. Ontario will continue to be a leader in supporting the healthy, positive development of children and giving them every opportunity to reach their full potential.

Hon Chris Stockwell (Minister of Labour): I would seek unanimous consent to make an announcement today about the strike in Hamilton-Wentworth and back-to-work legislation.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

CORRECTIONAL SERVICES

Mr Dave Levac (Brant): I want to take this opportunity to thank the Minister of Correctional Services for making a commitment to fix the infrastructure of the jails and prisons in our province, and as I have told him, I thought that was a very worthwhile thing to do, because the Fathers of Confederation who built some of those jails would probably be ashamed of the fact that they're still in existence and use.

That speaks to the problem that we do have, and that problem is the working conditions of the correctional officers, which has been pointed out to the minister time and time again; the fact that the working conditions of the correctional officers have been jeopardized by overcrowding, that this government has spent time to close 743 beds across the province and at the same time cancels the program that would have seen them go into programs on the weekend that were valuable to the people who needed the rehabilitation that he wants to talk about.

The idea that he wants to do one thing and says another seems to be becoming very, very apparent. I'll show you how apparent it is. He talks about pride in the fact that he's running a private institution now in our province, the fact that he wants to take a great deal of credit for the Camp Turnaround project in Barrie, which we like to call Camp Run-Amok. The very first day of operation we had an escape. It's unbelievable.

Let's talk about the real issue here, the fact that they cherry-pick those students; that they want to claim that the high recidivism rate comes down because of that camp. Let's talk about who he puts in there: if they're violent, they're not allowed to come in; if they've got a long sentence, they're not allowed to come in; if they have mental health problems, they're not allowed to come in. They cherry-pick that situation and they make the camp sound as if it has a great success rate.

In actual fact, when we take the numbers that the ministry is forgetting to add in there about where else they're being transferred to, the recidivism rate is actually higher at Camp Turnaround than it is in regular

institutions that have been running already. So there's your private success story.

1420

Let's talk about another private success story. Let's talk about the youth detention at Genest in London. In their 18 months of operation as a private institution, there have been three reported escapes. Before that, in a 10-year period, zero escapes.

Let's talk about the pride that he takes in private partnerships. Let's talk about private partnerships, the private partnership that he established with the canteen company that last year was caught smuggling drugs into the correctional facility. Good private operation.

Let's talk about the partnership they want to have with Wackenhut—another failed experiment. Ohio, California etc.—a failed experiment. This government doesn't want to learn the lesson that the rest of the world knows: privatization is a sham.

CHILDREN'S SERVICES

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I appreciate the minister's comments with regard to National Child Day, but let's get one thing clear on the record: children are not a priority for this government, because there are more children falling through the cracks than ever before.

Since 1989, the number of poor children in Ontario has doubled, to 538,000 children. One in five children in Ontario lives in poverty. This government is no friend to children, and the statistics speak to that. This is no accident. This is the result of your government's cuts to social assistance.

The jobs that have you have created are low-paying, and many are part-time and benefit-free. These jobs have increased the number of children living in poor working families by 48%. Children make up 42% of those who visit Ontario's food banks, and families with children are the fastest-growing group of homeless people.

What do these poor children have to look forward to? They are more likely to have speech and hearing problems, less likely to participate in organized sports and recreation, and less likely to live in safe neighbourhoods. That is what our children can expect without action.

This government first refused and now waffles over whether or not it will extend parental leave.

The education funding formula prevents the use of school facilities for early child development and parenting centres, in direct opposition to the recommendations of the Early Years Study.

There are nearly two million children in Ontario, and 1.4 million of them have moms who work, yet there are only 67,000 subsidized child care spaces in this province.

In September of this year, a new federal early childhood development accord was signed that will bring over \$800 million to Ontario. The Better Child Care Coalition has challenged Mike Harris to match those funds. They are worried that he will not do it. The challenge fund sits in a bank waiting to be announced for the third time,

while the American-style Ontario's Promise program has been described as icing without a cake.

The statistics indicate that when it comes to children, they are not a priority for this Tory government. I urge the minister to put children first and respond positively to the recommendations of the report.

CORRECTIONAL SERVICES

Mr Peter Kormos (Niagara Centre): The Minister of Correctional Services confirms today that he has no interest in or familiarity with corrections, with rehabilitation or, quite frankly, with what has been going on and is going on right now in correctional institutions across the province of Ontario. His passion for privatization and his intimacy with his corporate partners, Wackenhut Corrections Corp of America and who knows how many other private for-profit corporate operators that want to come into Canada and Ontario so they can drain huge profits out of our correctional system and out of Ontario into Texas, Arkansas and the ilk, is apparent.

I would ask the minister to please have read his own statute before he made the announcement today. It's naive to the point of outright wrong to suggest that he's introducing any sort of new regime. The fact is that superintendents of prisons across this province had the power, by way of discipline, to extend prison sentences beyond the two thirds and revoke portions exceedingly in greater numbers of the statutory remission for decades. The reality is that Mr Sampson hasn't had enough interest in the correctional system here in Ontario to call upon superintendents in our prisons to in fact do that.

This government is still reeling from the blow it delivered itself when it called for a 42% salary increase for the Premier and his backbenchers. What do they come up with to counter the negative spin they created for themselves? They had the minister of corrections last week detailing lineups of women, kids, parents, young folks and old folks with their urine specimen bottles in hand at welfare offices across the province. Now the minister of corrections is indulging in the same passion for bodily waste of Ontarians, but he wants to collect it from prison inmates rather than from welfare recipients. There are going to be buckets of urine, tanker truckloads of urine criss-crossing this province from one test lab to the next until this government abandons its obsession with bodily output.

The question the minister should be asking is how the drugs are getting into the jails in the first place. If he sat down and talked to correctional officers instead of to his corporate friends, he'd start to understand that because of his understaffing of prisons across this province, because of the overpopulation of prisons across this province, because of the under-resourcing and this minister's elimination of effective rehabilitation programs, you bet your boots there are drugs getting into jails. With increased privatization with your corporate buddies, more and more contraband is going to be smuggled into our prisons. You aren't solving the problem. In Snobelenesque style, you

are creating a problem so you can justify privatization. We'll take you on in committee, Minister. Just watch.

CHILDREN'S SERVICES

Ms Shelley Martel (Nickel Belt): On this National Child Day, this Harris government should be embarrassed by its appalling track record on children. Today we learned that even in good economic times child poverty is more extensive and deeper in this province than ever before. This morning, Campaign 2000 revealed the shocking level of poverty in this province. Using the most recent statistics from Statistics Canada, we know that 470,000 children in this province live in poverty; one of every five children in this province remains poor, despite the good economic times; one in three poor children come from working families; and since 1996, Newfoundland and Ontario are the only two provinces where families are sinking deeper into poverty. What a record to be proud of.

What has the Harris government done? This is the list the minister didn't refer to: cut social assistance rates by 22%, cut the \$37 nutritional supplement for pregnant moms, closed the family responsibility offices and made sure thousands of women didn't get the support they were owed, ended counselling at second-stage housing for families affected by domestic violence, cancelled drug cards for working poor families and cancelled youth funding for youth programming. Ontario's promise is nothing but a front for this government to off-load even more of its responsibilities for kids on to volunteers, service organizations, the business sector, the faith communities etc. Where is your leadership when it comes to providing for Ontario's youngest and most vulnerable kids?

If the government wanted to do something about kids, if they really cared about kids, they would increase the minimum wage, provide affordable housing, stop the clawback of national child benefits, have rents frozen in the province and give back drug cards to working poor families. But it's clear children aren't a priority. This government is more interested in big tax cuts for its wealthy friends than it is about Ontario's youngest citizens, and that's a fact.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin oral questions, I'd like to announce that we have with us today in the Speaker's gallery the federal interns from Ottawa, accompanied by our provincial interns. Please join me in welcoming our special guests.

Ms Shelley Martel (Nickel Belt): On a point of order, Mr Speaker: I understand the government has changed its mind with respect to extending parental leave. I would ask for unanimous consent to deal with Bill 138, the Fair Parental Leave Act, by the New Democrats, so we could have second and third readings in this House today.

The Speaker: Is there unanimous consent? I'm afraid I heard some "noes."

1430

ORAL QUESTIONS

HEALTH CARE

Mr Dalton McGuinty (Leader of the Opposition): My first question today is for the Minister of Health. In January this year, Joshua Fleuelling, 18 years of age, suffered a severe asthma attack. He couldn't breathe. He was rushed by ambulance. They tried to take him to the closest hospital but were informed in the ambulance that that one was full and he should be taken to a hospital further away. Pretty well everyone is aware that Joshua died as a result of the delay in getting him to the hospital.

The coroner's inquest jury responded with recommendations last Friday, Madam Minister, and those recommendations represent nothing less than a stinging indictment of the way you have mismanaged health care in Ontario during the past several years. Are you now prepared to admit it was wrong to cut \$1 billion from our hospitals, it was wrong to close 8,000 hospital beds and it was wrong to fire thousands of nurses?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): First of all, let me take this opportunity to express our sincere sympathy to the Fleuelling family. This certainly was a very tragic situation.

I would also, on behalf of the government, like to express our sincere appreciation to the jury. I know the deliberations were very difficult, but I have to say we very much welcome their recommendations. We welcome their acknowledgement of the fact that problems are being encountered in the health system, and these problems are not just provincial and not just Canadian. They are worldwide. Certainly they are problems which have developed over a period of time, and they are problems which, as the Leader of the Opposition knows, we are working very hard to address in a timely manner. We want to do everything we possibly can to ensure that every Ontarian gets the best health treatment possible.

Mr McGuinty: This is the sixth year of your government, Minister, and you've done nothing but cut and hack and slash, and Ontarians are paying the price.

It would be bad enough if this were the first coroner's inquest, but it's the third. In 1997, a 35-year-old mother, eight months pregnant, suffered a severe brain hemorrhage. There was no room for her in a Toronto hospital—there were no beds—so they transported her to Hamilton and she died. In 1998, five-year-old Kyle Martyn died after waiting three and a half hours in an emergency room to be seen. Joshua Fleuelling was not the first, and it pains me to say it is likely he won't be the last.

We will not turn the health care ship around until you begin to acknowledge, here and now, that you have made some serious mistakes. I want you to admit it was wrong

to cut \$1 billion, it was wrong to shut down 8,000 hospital beds and it was wrong to fire thousands of nurses.

Hon Mrs Witmer: It is extremely unfortunate that we cannot all move together, as the jury has recommended, in a co-operative and collaborative manner. It pains me to say that since 1994-95 the federal government took millions and millions of dollars out of the health system in Canada. Throughout that period of time you did not once join us in demanding that—

Interjections.

The Speaker (Hon Gary Carr): Would the Minister of Health take her seat. The member for Windsor West, come to order. The Minister of Health obviously has a voice we're not going to be able to hear too well today. I would appreciate co-operation. She won't be able to yell and I won't be able to hear her, and I'm going to be up very quickly.

Minister of Health, sorry for the interruption.

Hon Mrs Witmer: It pains me to say that over the period from 1994 to 1995, the Liberal opposition in this House declined to support us in our efforts to encourage Jean Chrétien to restore the millions and millions of dollars he had taken out of the health system in Canada.

Mr McGuinty: If the minister is looking for more money, then take the \$190 million you're putting into partisan political advertising and put that into health care.

On your watch, Madam Minister, we have had three coroners' inquests. You've had countless reports prepared by everybody from the Ontario Hospital Association to nursing groups to the opposition parties and a variety of others interested in protecting and enhancing public health care in Ontario. You have refused to move forward. Again you tell us today that you welcome these recommendations. You've been welcoming recommendations for six years now. What we want you to do is to act on them.

Here are a couple of specifics for you: (1) hire back the nurses you fired; (2) I want you to reopen the 1,600 hospital beds that are needed immediately to clear our emergency rooms up. There are two specific recommendations. Will you do those, Minister?

Hon Mrs Witmer: The Leader of the Opposition knows that despite the fact that the federal government cut billions out of health care, our government has increased funding from \$17.6 billion to \$22 billion. Despite the fact that your government and other governments cut nurses, we have put together a task force and we are hiring back the nurses. We have hired more than 6,000 nurses in this province. We are also moving forward with strategies on asthma. We have been moving forward since 1998 on an emergency room plan. We have been moving forward to restructure health care. We have been moving forward to increase the number of hospital beds and long-term-care beds in this province.

The recommendations that have been provided to us are recommendations that in many ways we are currently addressing and the initiatives are well underway. We welcome these recommendations and we will determine how we can implement them all in—

The Speaker: Order. The minister's time is up.

Interjection.

The Speaker: Order. The member for Parkdale-High Park, come to order.

Interjection.

The Speaker: He was yelling for the whole question. I appreciate the opposition House leader—I'll look after it.

Interjection.

The Speaker: Last warning to the member for Windsor West; her last warning. If you shout out again, you're going to be out. If you want to shout when I'm standing up, I'll throw you out right away. It's as simple as that.

Interjections.

The Speaker: Order. It doesn't help to have the other side yell when I've made a ruling like that.

CHILD POVERTY

Mr Dalton McGuinty (Leader of the Opposition):

My question is for the minister responsible for children's issues. Today is National Child Day. It's a day when we should be celebrating our children and our collective efforts to make sure they get everything they need in their lives so that they can achieve their greatest potential. Unfortunately, in Ontario we have very little to celebrate. On your watch, on the watch of your government, the number of children living in poverty has doubled. According to Campaign 2000, which released its report card today, the number of poor children in Ontario jumped 91% while in the rest of the country it grew by 28%. Close to 500,000 Ontario children are growing up in poverty. This year, 42% of food bank users are children. The fastest-growing group of homeless today in Ontario are families with young children.

In a time of unprecedented prosperity, unprecedented numbers of children are growing up in poverty. Why are you failing Ontario's children?

Hon Margaret Marland (Minister without Portfolio [Children]): First of all, let me say on behalf of our government, as I referred to in my statement, our government is very concerned about one child living in poverty. Attention has been referred to by the leader of the official opposition to the Campaign 2000 report that came out today. I wish for his sake that his staff had really done their research. Had they done their research, they would know that according to this report, the highest number of children living in poverty occurred in 1993 under the NDP government and, more important to us, today fewer children are living in poverty than when we took office.

1440

Mr McGuinty: I disagree with your numbers, Minister. Close to 500,000 children are growing up in poverty today. Here are a few other numbers that you may want to take into consideration in your capacity as the advocate for children here in Ontario.

Since 1995, annual government revenues have increased by \$13 billion. Since 1995, our GDP has gone up by \$97 billion. We are nearly \$100 billion richer today than we were when you first took office.

Notwithstanding that, you cut welfare by 22%. You've gotten out of the social housing business entirely in Ontario. You have abdicated your responsibility when it comes to rent controls in Ontario. You've abdicated your responsibility when it comes to child care in Ontario.

The message you are essentially sending to children in Ontario who are growing up in poverty, Minister, is, "Kids, tough luck; you're on your own."

I ask you this again in your capacity as the advocate for children in Ontario: why are you failing our kids?

Hon Mrs Marland: I'm glad that the leader of the official opposition places before us his view and his interpretation of facts that are there for everyone to see. We understand very clearly that the best way to help children living in poverty is to get jobs for their parents. Since 1995, this government has created 795,000 net new jobs.

Since you refer to welfare, I would like to remind you that we have 565,690 fewer people relying on welfare. But the best part of that news is that 247,820 of those people dependent on the welfare cycle are children who are no longer on that dependency.

Mr McGuinty: Those parents that you have driven away from social assistance have gotten menial, poor-paying jobs. They've become our working poor, and what they have to do to feed their children is go to food banks.

Madam Minister, here's an opportunity now for you to move beyond rhetoric to action. Here's an opportunity for you to put a little bit of money where your mouth is.

You cut welfare for the parents of poor children in 1995 by 21.6%. There are 437,000 children today on social assistance, living in families with incomes that are somewhere between 50% and 60% below the poverty line. You can make just a bit of a difference. As the advocate for—

Interjections.

The Speaker (Hon Gary Carr): Stop the clock. The member for Brampton Centre, I heard that. Withdraw it.

Mr Joseph Spina (Brampton Centre): I withdraw, Speaker.

The Speaker: Sorry for the interruption. That'll be his last warning as well.

The member for London-Fanshawe, since I am up and I'm getting out of shape—I can't keep getting up—this will be his last warning as well. Last warning to both of you.

Sorry for the interruption. The leader of the official opposition.

Mr McGuinty: You cut the welfare in 1995 by 22%. The cost of living has gone up since that time. I'm asking you now, as the advocate for Ontario's children—you are the sole provider for children who find themselves in families where the parents are dependent on social assistance. Why would you not agree right now to

increase welfare in Ontario so that it takes into account increased costs of living? Will you do that, Madam Minister, on behalf of those 436,000 children who have parents who are dependent on social assistance? You're their sole provider. Why can't you do that for them?

Hon Mrs Marland: I can't believe that the leader of the official opposition has just insulted the people who have had the courage and determination to get off welfare and be financially independent. For you to stand in this House and insult those people is beneath you. I would suggest to you that when we say we are getting them jobs and giving them training so that they are equipped to get jobs, and you stand up and say they're better off on welfare, you stand in this House and say we should increase the rates of welfare, I'd like to remind you that the number of children, the 247,000 children I have said are no longer dependent on welfare, is more than the combination of North Bay, Thunder Bay and Sudbury—

The Speaker: Order. The minister's time is up.

HEALTH CARE

Ms Frances Lankin (Beaches-East York): My question is to the Minister of Health. Joshua Fleuelling lived only 18 years, but last Friday the jury investigating his death left what may become a fitting legacy for a young life cut short. The answer to that rests in your hands.

I've been in touch with Joshua's family and their lawyer throughout this inquest. Let me tell you, they believe his death will be in vain if you don't take action and implement these recommendations. Key among these recommendations is a call for an immediate moratorium on hospital closures and hospital bed closures, emergency, acute care, mental health and chronic care. Again and again in this Legislature, we have asked you to call a moratorium, and yet emergency rooms and hospital beds continue to close.

Minister, you won't listen to us. Will you listen to the jury? Don't let Joshua's death be in vain. Will you implement an immediate moratorium on your plans to close hospital beds in Ontario?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As I indicated in my response earlier, again this is a very tragic situation. Certainly we welcome the recommendations that have been put forward by the jury. In fact, we indicated on Friday we would be moving forward to review the recommendations to determine exactly how we could implement them in a timely, efficient and effective manner.

I would indicate that today in this province we have more hospital beds than we had last year. As the member knows, we saw a decline of many beds over many years. In fact, we had seen 10,000 hospital beds close between 1985 and 1995. I'm pleased to say that we are moving forward now with more beds, not only in hospitals; we're also building 20,000 new long-term-care beds. As you know, my predecessor, the honourable—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Supplementary.

Ms Lankin: This is a tragedy all right; it is a tragedy the way in which you represent history in this province with the facts you state in this Legislature. You still have plans on the books for closures of more chronic care beds and emergency rooms coming up. The recommendation was clear, and you know it's not the first time. Other inquests—the Kyle Martyn inquest made the same recommendation. How many times do you have to hear it? How many more people have to die before you will listen? There are other measures the Fleuelling jury said must be taken to address the current emergency room crisis.

We've been saying over and over again and calling on you to stop the privatization of our home care system. We've been telling you that you must end the competitive bidding model. The jury now says you must end the competitive bidding process in order to alleviate the pressure on our emergency services.

Minister, you won't listen to us. Will you listen to the jury? Will you end the competitive bidding model in our home care sector?

Hon Mrs Witmer: It's obvious perhaps in the member's questioning that she isn't aware of the fact that many of the recommendations that were put forward are very consistent with initiatives our government already has underway in order to ensure that every Ontarian has access to the best health care services possible. I would just like to remind the member that there are more beds in the system today than there were last year, in 1999. I would remind her of the 800 new permanent hospital beds that were announced in November and also the 1,200 additional beds that were announced this year for across the province.

When it comes to home care, again as the member knows, we in this province lead as far as our per capita spending on home care is concerned. In fact, recently there was a report that indicated there would be millions more dollars required for the rest of Canada if the other provinces were to meet the same standards that have been set in Ontario.

1450

The Speaker: Order. The minister's time is up. Final supplementary.

Ms Lankin: Minister, I've put to you two direct recommendations from the jury and you have refused to respond to either one of them. The verdict is out and you and your government have been found guilty. You introduced the competitive bidding model. The jury is telling you to throw it out. You still have plans to close emergency rooms. They're telling you to put on a moratorium. My leader, Howard Hampton, revealed how you put a cap on nursing hours for home care. They're saying get rid of that cap. You're the government that put a policy in place that made it unnecessary to have an RN 24 hours a day in long-term-care facilities with minimum nursing hours. The jury is saying you should reverse your bad policy.

Don't tell me what you're doing is consistent with the recommendations. There are four policy recommendations from that jury that directly contradict your government's actions. They're asking you to take a stand, to reverse it, to make sure Joshua's death is not in vain. They called their report "a legacy," Joshua's legacy. Will it be, Minister? You won't listen to us. Will you listen to the jury? Will you implement those recommendations immediately?

Hon Mrs Witmer: Obviously the member isn't hearing anything. I have said now a number of times in the House that we welcome the recommendations. They are very consistent with many of the initiatives that are already underway. Again, I remind the member that the jury recognized there are some issues that are world-wide that are being addressed; they're systemic problems.

I would remind the member opposite, as far as home care is concerned, I am very proud to say it was our government which brought the standard of nursing care in the home to the same level. Before this time, there were five hours, 15 hours, 27 hours. We have come and we are delivering the consistency of 43 hours. In fact, we call on the federal government to develop national standards for home care, national standards for pharmaceutical. Maybe you should consult with the your federal leader, because your federal leader seems to think it's the fault of the federal government that this whole situation happened in Ontario.

CHILD POVERTY

Ms Shelley Martel (Nickel Belt): I have a question for the minister responsible for children's issues. Minister, I'd like to know why your government has turned its back on 470,000 children who live in poverty in this province.

In a report that was released by Campaign 2000 today, it was revealed that there are shocking levels of poverty in this province. Since 1996, Ontario and Newfoundland are the only two provinces in Canada where families are sinking deeper into poverty. In other words, in booming economic times in Ontario we have almost half a million children who are worse off, living in deeper poverty than ever before. You've got money to give your corporate friends a big tax break, and it's clear Ontario children are paying the price. If you really cared about kids and wanted to do something for children, you could raise the minimum wage, you could freeze rents, you could extend job protection for parental leave, you could stop your clawback of the national child benefit. When will you do any of these important things, Minister?

Hon Margaret Marland (Minister without Portfolio [Children]): Let me reconfirm for this member in the third party. You are choosing to read this Campaign 2000 report selectively. Because we are restricted in this House from using certain words, I might refer you to the fact that we are down from last year. There are 60,000 fewer children dependent on the cycle of welfare and other supports. I would remind you that the downward

trend in the number of children reported to be living in poverty is since 1996—that was our first full year in office—the downward trend we now expect to continue. But I will say again for this member that it's not a matter of numbers when we look at children living in poverty. We are concerned about one child living in poverty.

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Supplementary.

Ms Martel: The fact is that Campaign 2000 used the most recent statistics from Statistics Canada, 1998, when your government was in power, Minister. Since 1996, only Ontario and Newfoundland have families that are sinking deeper into poverty. What a record to be proud of.

We've got one in five children in this province living in poverty. One in three of those children are actually from families that are working; they are the working poor. That's probably because the minimum wage has been frozen for the last five years. We have 470,000 children who are poor in the province during good economic times, Minister, and you are doing nothing to help them.

I ask you again: you could raise the minimum wage, you could freeze rents, you could stop the clawback of the child benefit, you could restore drug cards to the working poor, you could do any of these things and finally start to eradicate child poverty in these very good economic times. When are you doing to do something and show you do care about kids?

Hon Mrs Marland: I would like to tell you exactly what we have done, which was actually an opportunity that party could have had when they were the government.

We now have an estimated 220,000 low-income people who no longer pay any income tax at all as a result of this government's cuts to personal income taxes and the increase in non-refundable credits. We also have the child care tax benefit, which helps the working parents of middle- and lower-income families pay for their child care.

While I'm responding to this question, I think we need to look at the numbers Campaign 2000 used. They used the Stats Canada numbers, and Maryanne Webber, director of income statistics for Stats Canada, says, "Stats Canada itself insists that LICOs are not intended to be used as the poverty line."

They even go further to say that regularly—

The Speaker: Order. The minister's time is up.

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): My question's to the Minister of Management Board regarding his role in the shooting death of Dudley George at Ipperwash. He will remember that the Premier said in the Legislature that no direction was given to the OPP before, after or during any situations, no direction by the government, by staff or by any minister.

We now find under new information that on the day of the shooting you were at a meeting with the Premier, the Deputy Attorney General and the Deputy Solicitor General. I found that a memo was sent to an OPP superintendent that day, the day of the shooting, summarizing the meeting, pointing out that the Deputy Attorney General argued that the government shouldn't meddle with the police at the park. But the notes go on to say the Premier and Hodgson came out strongly—strongly in favour of action, I gather. Are you continuing to say that you and the Premier gave no direction to the OPP in this matter?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I know the Attorney General wants to answer this.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): As the member opposite certainly knows, the issue he raises, or raises in part, relating to the alleged involvement of the then Minister of Natural Resources with respect to Ipperwash is being litigated in our courts in Ontario. As I understand it, a motion was heard last week in the Superior Court of Justice and was reserved by the judge who heard the motion. Clearly this matter is not only before the courts of Ontario but has been reserved by a judge of those courts. In those circumstances, I suggest to the member opposite that the timing of his question endangers judicial independence. We ought not to deal with that kind of subject at this time, given that the matter is reserved by a judge of the Superior Court.

Mr Phillips: We've heard repeatedly from the Premier that he and none of the ministers gave any direction to the OPP. We now have information coming forward of a secret meeting that took place on September 6, the day of the shooting, with notes that indicate that the Deputy Attorney General was arguing one course of action and, I gather, that the minister and the Premier, according to this, were perhaps arguing a different course of action.

We have argued all along that the way to get to the bottom of this is by you and the Premier committing to holding a public inquiry at the earliest possible date. To date we've had the Premier refusing to even commit to holding that public inquiry.

Minister, with the latest revelations, will you, on behalf of the government today, commit to holding a public inquiry, to begin at the earliest possible moment when no one's right to a fair trial is jeopardized? Will you make that commitment to the people of Ontario today?

1500

Hon Mr Flaherty: As the member opposite no doubt knows, the allegations that he makes in this place are matters that are being litigated now before the Superior Court of Justice in the province of Ontario, including the production of documents, including the interpretation of documents, including notes. All of those matters are before our courts in the province of Ontario now, as recently as last week.

The member probably knows, or should know, that there is a judge of the Superior Court who has been directing the case management of the litigation. She has assigned dates, or dates have been agreed to, with respect to examinations for discovery. The issues related to production of documents have been to—I say respectfully to the member opposite, it is not for us in this place to substitute our view for the view of the courts dealing with the litigation arising out of that situation, or to prejudice the result thereof.

MEAT INSPECTION

Mr John O'Toole (Durham): My question is to the Minister of Agriculture, Food and Rural Affairs. Minister, on the weekend the always newsy Toronto Star published a story outlining problems with the provincial meat inspection system. The reporter, Robert Cribb, alleges that there are problems relating to some of the abattoirs that are regulated by the province and that tough penalties are rarely handed out to offenders.

Minister, you would know that food safety is a very important issue in my riding of Durham. You would also know that I have several very responsible abattoirs in Durham.

Can you give us a factual report on what you and your ministry are doing to ensure that meat coming out of provincially inspected plants is indeed safe for the public?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I thank the member from Durham for the question. Food safety is a top priority of our government. I want to assure the member that Ontario has one of the best meat inspections in the country—in fact, in the world. Ontario is one of the few provinces where all meat slaughtered must be slaughtered in licensed and inspected facilities. If an Ontario plant poses a significant risk to food safety, it is shut down until the problems have been fixed. Provincial inspectors are highly trained individuals, whose top priority is to make sure food is safe.

In 1993, there were 143 inspectors. There are 125 inspectors today, a change that has come about because 130 abattoirs closed over that period of time. These changes were brought about because in 1991 the Provincial Auditor's report and in 1994 a follow-up at KPMG called for increased efficiency in provincial meat inspection.

Contrary to what you've read in the Toronto Star, there has been no decrease in inspection hours. My ministry works very hard to ensure that provincial abattoirs are producing safe food. When problems do arise, Ontario has strict regulations that bring plants into compliance.

Mr O'Toole: Thank you very much for that thorough response, Minister. The always newsy Toronto Star isn't always factual, by the sound of things. I appreciate the assurance that your ministry is very much involved in the

sense of keeping watch over the food we eat and the meat that comes out of provincial plants.

In addition to inspecting provincial abattoirs and charging those involved with selling illegal meat, what other initiatives does your ministry have to improve and protect food safety? What is the government doing to make sure that we are on top of the latest developments in new technologies that can help protect people from food-borne diseases that potentially could enter the marketplace? Minister, what are you doing to protect the consumers of Ontario?

Hon Mr Hardeman: We are working very closely with the Ministry of Health and the Ministry of Natural Resources on developing a strategy that gives Ontario consumers more trust and confidence in food safety. This new strategy is a co-operative effort that allows Ontario to stay abreast of international and scientific developments to ensure food production from field to port.

In addition, my ministry supports food safety initiatives through our four-year, \$90-million healthy futures for Ontario agriculture program. For example, in September I had an opportunity to announce our government's \$1.7-million participation in partnering with three firms to further develop and market a new packaging material that turns colour to warn consumers of dangerous pathogens such as E coli and listeria. Just last week I announced a new project that will increase the comprehensiveness of food safety in the pork industry.

These are just a few examples of our commitment to improving food safety in the province of Ontario.

The Speaker (Hon Gary Carr): New question, the member for Windsor-St Clair.

Mr Dwight Duncan (Windsor-St Clair): I too have a question to the Minister of Agriculture about the inspection of abattoirs in Ontario. We did a little research beyond what was in the Toronto Star, and I know the member for Durham would want to be aware as well. We looked at other provinces in terms of the number of inspectors they have. Let me give you a for instance. In Alberta they have one inspector for every 1.3 plants, versus one inspector for every 2.5 plants in Ontario. That is twice the inspectorate to look after their needs in Alberta. In the state of Michigan they have 209 inspectors to look after 114, versus 80 here in Ontario to look after 220 plants.

There are simply not enough inspectors. The number of inspectors was cut, and we recognize that the number of abattoirs declined over that period of time. Are you satisfied that compared to other jurisdictions, Ontario is doing enough? And why wouldn't you have put that part into your answer to Mr O'Toole's question earlier?

Hon Mr Hardeman: I thank the member opposite for the question. Inspectors from our ministry are on site every day at an abattoir if they are slaughtering livestock. The number of inspection hours has not changed since 1996. We continue to employ highly qualified inspectors who have the ability to shut down plants if there are serious safety risks. In 1993 there were 143 inspectors

and there are, as I said earlier, 125 today, and we have one hundred and some fewer plants to inspect.

I want to assure everyone in this House that if there is kill going on in the province of Ontario in a provincially licensed plant, there will be an inspector on site to make sure that the quality of meat is assured for the people of Ontario.

Mr Duncan: We did a little other research too and we found out that not only did you go from employing full-time people, you now contract out the inspecting positions. The total budget went from \$12.5 million to \$7 million.

The question we have, based on your response, is this—and you'll also be aware that there's a hodgepodge, and we recognize you're consulting about this now and about the resources that local medical officers of health have available to enforce at their end of it. Minister, how is it that you can say you're satisfied with the way things are? Will you agree today to appoint a select committee of the Legislature to look at, among other things, the role of the provincial inspectorate? You'll be aware that you gave up the inspection to the Ministry of Natural Resources; we don't know why. Second of all, part of that mandate would also be to look at the role of medical officers of health and whether or not the province provides adequate compensation to municipalities to ensure the safety of our meat processing system from the time that the animal is brought into the slaughterhouse till the time it reaches people's tables right across Ontario. Will you agree to that?

Hon Mr Hardeman: First of all, as it relates to the change in the way we do inspections, in fact in 1991 the Provincial Auditor suggested that the way inspection was being done in the province was not effective and efficient. He suggested that we have people inspecting and not people spending their time between inspections. That is the reason for the change.

As it relates to the reference to the Ministry of Natural Resources, I want to point out to the members of the House that in fact only the follow-up enforcement is being done by inspectors or enforcement officers from the Ministry of Natural Resources. I want to say that's indeed working much better. In fact, in the last year they have laid 62 charges under the inspection act, which was considerably more than over the same period of time last year. Of these, 18 cases were convictions and 40 are still waiting for their day in court.

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up.

1510

COMMUNITY SAFETY

Mr Brian Coburn (Ottawa-Orléans): My question is for the Solicitor General. Constituents in my riding, as in many others, have consistently told me that community safety is something they take very seriously. At local events, door-knocking and other goings-on in my riding they want to feel free from fear of crime in our

community. Our government has made a commitment to the people of Ontario to improve safety in our streets, like our Partners Against Crime initiative that invests \$150 million in putting 1,000 net new officers on the front lines.

In Ottawa-Orléans, we have given almost half a million dollars to the Ottawa-Carleton Regional Police Service to put more officers on the streets. That results in another 22 officers on the front lines in Ottawa-Orléans. More police officers on our streets and providing the police with the tools they need is one of our government's priorities in helping to make the streets safer.

Minister, can you tell my constituents about some of the other initiatives and investments our government is making to make our street safe?

Hon David H. Tsubouchi (Solicitor General): There are so many things to speak about. I think we'll start with what the member is referring to in terms of our community policing grants, where almost half a million dollars was given to the Ottawa-Carleton regional police to assist them in getting more police officers out on the streets of the province.

Just last week, during Crime Prevention Week, I was able to go to the York Regional Police Service and announce the fact that the 1,000th police officer under our \$150-million grant program had been awarded, and that's a milestone. This is part of our commitment to get 1,000 new police officers to assist municipalities. Certainly we look in terms of the numbers of the OPP, which have increased, but we felt it was important for us to support our municipal partners, to show them that we think it's important to get police officers on the streets of this province. A thousand police officers are bound to make an impact on community safety.

Mr Coburn: Thanks for that comprehensive answer.

Another important issue to my constituents, of course, is road safety. In 1995, we launched the comprehensive road safety plan that gave the police the tools they needed to help make our roads safer. Other initiatives we took to help make our roads safer include the Sergeant Rick McDonald Memorial Act, which increased the penalties on criminals who take reckless flight from the police; the creation of five regional traffic management units; and since 1998 we have allowed municipalities to designate community safety zones in areas where safety is of particular concern, like schools.

Minister, can you tell the House and the people of Ottawa-Orléans how our government is addressing the issue of safety when it comes to driving on Ontario's roads?

Hon Mr Tsubouchi: Road safety is a priority for all of us. Let's talk about one segment, the RIDE program. Since 1995, this government has doubled the amount of money going to RIDE to \$1.2 million a year. What this has meant to the member's area is that since 1995 about \$200,000 has been going to the RIDE program specifically.

This morning I was at the launch of the Toronto Safe and Sober Driving Coalition campaign again. People

don't know that in the city of Toronto, for example, there were 48 murders committed but there was almost double that in traffic fatalities. These traffic fatalities are preventable. Clearly, the program now is intended to address not only impaired driving with alcohol but other types of bad driving and impairment of your abilities as well.

PROPERTY TAXATION

Mr David Christopherson (Hamilton West): My question is to the Minister of Finance. I want to tell you that the property tax bill that you tabled last Thursday has been a huge disappointment in Hamilton. You will know—you should know—that Hamilton businesses pay 60% more in business education tax than our neighbours in Burlington. It has been identified that equalizing the business education tax for Hamilton business would require about \$41 million, and yet your bill throws only a measly \$5 million at this issue. Meanwhile, while you delay, businesses are leaving Hamilton and the existing businesses in downtown Hamilton are struggling to survive. The main issue in the last election was in large part about downtown Hamilton and you introduce a bill that will continue to see business bleed away from downtown Hamilton.

Minister, let me ask you on behalf of the small businesses in downtown Hamilton why, with so much money in surplus, are you only throwing crumbs at such an important economic issue in our local community of Hamilton?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): The inequities in the city of Hamilton proper with respect to business property taxes are, as I'm sure the honourable member is aware, a result of many decades of non-reform of the assessment system in the city of Hamilton. Hence, local governments in the past have chosen to tax businesses in Hamilton as opposed to taxing residents, more so than they have in other areas of the province.

However, we decided to reform the property taxation system in Ontario. We are not going to be able to correct 60 years of inequities over a few years or months. Surely the member must understand that. But he also understands, which he didn't say in his question, that we are reducing the provincial business education portion of business taxes by half a billion dollars over eight years. We have expedited that by a year, and next year there will be \$325 million a year in assistance to those businesses.

Mr Christopherson: I've heard you, on a number of occasions, make the argument that because it has taken so many years for the inequity to be created, you need X number of years to phase in a correction. But what you're failing to take responsibility for is, number one, your government wanted and took 100% total control of education and education taxes. Number two, you're running a huge surplus. In the last budget you gave away almost \$4 billion in corporate tax cuts. Lastly, Minister, the children in Hamilton and the children in Burlington

receive exactly the same education. It's of no use to them whatsoever for you to say things will be fine a few years down the road.

You have the money. You say you have the commitment. You certainly have the control. Why won't you acknowledge that this blatant ignoring of Hamilton's downtown business crisis is something you can do something about, and why won't you step forward and ensure that you provide the money necessary so that our downtown business can survive? You have the power. You have the money. Minister, act. Downtown Hamilton needs you to act.

Hon Mr Eves: First of all, tax cuts do not result in lack of revenue. I know you preach that. Now we have over \$8 billion more a year in revenue coming into the province of Ontario as a result of 166 tax cuts than we had when you raised taxes. That is totally inaccurate, not even close to being accurate.

Number two, we are doing something about the education portion of commercial business taxes in Ontario. The overwhelming majority of the \$500 million a year, half a billion dollars a year, will go to two municipalities: Toronto and Hamilton. The reason is very simple. They were most out of whack, inequitable systems over the last five, six or seven decades. We can't correct 70 years of mistakes in a couple of years. It's just that simple. We will do it as quickly as we can. What would you suggest we do? Take the tax burden for the businesses in Hamilton and move them to Peterborough? Would that be fair?

SCHOOL EXTRACURRICULAR ACTIVITIES

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Education. There was a time in this province that when it came to public education, turmoil was the exception; it has now become the rule on your watch. The straitjacket you've imposed on school boards through Bill 160 has resulted in half of our high school teachers and a third of our elementary teachers being still without contracts for this school year. Bill 74 has resulted in fully 75% of the schools in our province now facing disruptions in their extracurricular activities. Not only are students going to lose more time now to strikes and lockouts, and presumably we'll be dealing with the first one later today in this House, our students are also going to be losing basketball and football, school plays and a host of other extracurricular activities.

You were forced to admit on the weekend that in the face of this constant turmoil you are helpless. You have thrown up your hands, Minister. I want to tell you as a legislator and as a parent, that is completely and absolutely unacceptable. What I want to know from you is, what are you going to do to bring our parents and our teachers and our trustees and our principals and our students and all supporters of public education in Ontario together to resolve this constant turmoil?

1520

Hon Janet Ecker (Minister of Education): I'm very pleased to hear that the honourable member's party is going to support the back-to-work legislation. I'll certainly take that from his comment, that he is going to support the back-to-work legislation that the Minister of Labour would like to introduce so we can relieve the parents in the Hamilton-Wentworth community from the pressures they have been under because of this particular strike. I'm glad he has agreed to do that.

Secondly, I admitted no such thing on the weekend. Again the honourable member might want to check his facts and check the research.

Thirdly, it is not unusual—unfortunate, but not unusual—that collective agreements are still being negotiated in November of this school year. Again, if he checks his facts, he will see that is indeed the case.

The other thing is, I was very pleased to hear that there are many thousands of schools and teachers who are providing extracurricular activities to our students, as they should be, as they want to. That was one of the things I heard very clearly in the meeting on Friday. Unfortunately, we still have teachers who are choosing to work to rule, and we find that unacceptable. It's penalizing—

The Speaker (Hon Gary Carr): Order. The minister's time is up.

Mr McGuinty: Minister, it has become very clear that your legacy when it comes to public education in Ontario will be nothing less than a permanent state of crisis. I hope you take a great deal of pride in that knowledge.

Let's be honest. Let's understand now that you personally have so poisoned the waters, you have generated so much ill will among all of the players, you have demoralized to such a great extent all of the supporters of public education in Ontario that it is completely impossible for you to act as any kind of a consensus-builder. It seems to me that given that sad reality, the appropriate thing for you to do in all of these circumstances, the best thing you might do in the interests of Ontario students, is to step aside. Admit you've been the cause of these problems, that it is your bills and your legislation which have generated this mess. I'm asking you now, do the right thing and step aside.

Hon Mrs Ecker: What has poisoned classrooms in this province are those individuals who think it is a legitimate form of protest against a board, against a government, against a government policy, to take it out on the kids. That is what the problem is here.

Secondly, what part of this legislation doesn't the honourable member support? The legislation that starts putting limits on average class size—would he like us to withdraw that? Because that's in the legislation he says is a problem. Limits on taking special education money out of the special education budget—does he agree with that? Because that's something in the legislation he's now asking us to withdraw. Limiting the ability of a board to take money for smaller classes and spend it on something else—is that something he disagrees with? Does he think

somehow or other our teachers are not capable of meeting the same kind of workload standard that teachers across this country are meeting and still providing extracurricular activities? If that's what he's saying, he should say so.

EDUCATION LABOUR DISPUTE

Mr Ted Chudleigh (Halton): My question is for the Minister of Labour. Earlier today you asked for unanimous consent to make a statement regarding the labour dispute which has so adversely affected the Hamilton-Wentworth elementary school students. Minister, would you like to take an opportunity now to explain what this government plans to do about this disruption that has gone on far too long and is causing students in the Hamilton-Wentworth area to miss very valuable school time?

Hon Chris Stockwell (Minister of Labour): I thank the member who asked the question. I'm sorry I couldn't get unanimous consent at the time.

The request was simply to enlighten the House, the members of the public and those involved in this particular circumstance in Hamilton-Wentworth that today the Minister of Education received notification from the ERC, the Education Relations Commission, that it has in fact determined there is jeopardy with respect to the students in the Hamilton-Wentworth area.

Interjections.

Hon Mr Stockwell: I know the members opposite are cackling, and I would ask that they allow me to finish.

The letter states clearly at the bottom of the very first paragraph, and I'll refer to it if you'd like: "This letter is intended to serve as advisement of jeopardy."

Upon receiving that, I think we have a fiduciary obligation to begin the process of introducing legislation to order the teachers back to work. I'll try to summarize in the supplementary.

Mr Chudleigh: This strike has gone on since October 30. Students can't afford to miss class time, especially now that they have a much more demanding curriculum. How quickly do you expect this legislation to be ready, and how quickly do you expect this legislation could pass through this House?

Hon Mr Stockwell: I think there's some misunderstanding here. We understand what the letter says, and we understand that the board has requested a vote by the union. We have built into the legislation the opportunity for the union to vote on the final offer part of the bill. If that's accepted, then no arbitration process will be put in place. We've accepted that point. We planned for it and built it into the legislation. This is splitting hairs.

What we need to discuss here today is the fact we've been advised there's jeopardy at this board. We don't want the kids to lose their year. We don't want the kids to be penalized because of a labour dispute. All good minds should come together at that point and adopt back-to-work legislation to ensure children in the Hamilton-

Wentworth area won't lose their year because of a labour disruption between teachers and a school board.

Any fair-minded individual who reads the letter I have provided to the opposition and looks at it with fair comment would clearly understand the final sentence of the first paragraph: "This letter is intended to serve as advisement of jeopardy."

Interjection.

Hon Mr Stockwell: The one clause that I know the member for Parkdale, who knows little about the issue, will comment on is suggesting there is a final offer on the table. If you take the copy of the bill I provided to your caucus, we have built into the legislation that if that offer is accepted by the union, then all bets are off. But in the meantime, we can't wait.

LABOUR LEGISLATION

Mr Richard Patten (Ottawa Centre): My question is for the Minister of Labour as well. Today, joining us in the gallery are 26 individuals who got up at about 4 o'clock this morning to take a bus to come down here because they thought Bill 139 was going to be debated today. They're concerned about 139, and they're concerned about Bill 69 and some of the amendments being proposed in this bill.

If the minister isn't worried about the amendment he's put forward, which has such vast implications and such an undemocratic set of principles, is he not worried about those who may follow him if he's mixed up in any kind of cabinet shuffle? We know the Premier and some of his top aides are certainly anti-union. Does that not worry you?

Hon Chris Stockwell (Minister of Labour): Many things worry me. That's just not one of them. I have great faith in the people who make up this caucus and in their knowledge and goodwill.

I welcome the people who travelled all that time to come here.

I will tell you that I have no fear. I have great faith in each and every man and woman who sits in this caucus that if they are Minister of Labour they will wear this mantle well and do the best thing for the workers of Ontario.

Mr Patten: Last week, in response to a question from our labour critic and also from our leader, Dalton McGuinty, you said that if "we pass a regulation that's different than I committed to, then yes, you can probably get up and get exercised and scream and yell," blah, blah, blah. In other words, you're acknowledging there is more power available to you than you require. I suspect you feel personally uncomfortable with this, because I know you. But others may not. The unions are extremely worried about this. That's why they came here today. I hope you will take a few moments afterwards just to say hello to some of them and listen to some of their concerns.

Can you explain how anyone in the Ottawa district area is going to benefit by this particular amendment you're proposing?

1530

Hon Mr Stockwell: This amendment is grandfathered. It's one year. It's not forever; it's for one year. I say to those members who have come here today that the decisions taken by this government are not individual decisions. They're decisions canvassed before caucus; they're decisions that are made in cabinet. That may be difficult. I understand that's not how your group operates, but ours does.

I will categorically say to you and give you my undertaking that what I agreed to, what the unions agreed to, what the generals and subs agreed to during the negotiation of Bill 69 will be embodied in the regulation passed by this government. I will also give you the undertaking that no unilateral decision can be made by an individual to change the terms and conditions of those decisions that are taken. Finally, if it's a matter of sitting down and having discussions with the good folks who have travelled that distance and allaying their fears and meeting with them to hear about their concerns, I would be more than happy to do that. That's part of my job.

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): This petition is to the Ontario Legislature and it deals with northerners demanding that the Mike Harris government eliminate the health care apartheid which they're practising and that discrimination which they continue to practise.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment" who are being discriminated against in this health care apartheid;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike

Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

I sign and submit this 3,000-name petition to Victor to bring to the table.

PARENTAL LEAVE

Ms Shelley Martel (Nickel Belt): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas Ontario’s Employment Standards Act provides vital job protections for new parents on parental leave, including reinstatement to their previous pay and job or a comparable one, accumulated seniority while on leave, continued participation in workplace pension and health benefit programs, and prohibitions against discriminatory treatment; and

“Whereas unemployment insurance parental benefits have been extended from the current 10 weeks to 35 weeks effective for a child born or adopted on or after December 31, 2000, changes long sought by women’s groups, labour unions and others and in keeping with the modern provisions in many European countries; and

“Whereas parental benefits are distinct from pregnancy benefits (15 weeks), this means that a total of 50 weeks EI benefits will be available to a natural mother who qualifies for EI benefits and serves a two-week waiting period; and

“Whereas the federal government and the Quebec government, and more recently the governments of British Columbia and Nova Scotia, have amended their legislation to allow for 52 weeks’ combined pregnancy and parental leave for a natural mother and at least 35 weeks’ parental leave for a natural father or adoptive parent; and

“Whereas the government of Ontario has refused, without just and good cause, to amend the Employment Standards Act in a timely manner, effectively denying parents access to the new EI benefits since they would otherwise risk their job at a time when the security of their employment and working conditions is most critical;

“We, the undersigned, petition the legislative Assembly as follows:

“To amend the Employment Standards Act of Ontario forthwith to extend the current parental leave and normal protections of workers’ jobs and working conditions by 17 weeks, effective December 31, 2000.”

I agree with these petitioners and I’ve affixed my signature to it. I urge this government to pass my Bill 138, the Fair Parental Leave Act.

HEALTH CARE FUNDING

Mr Brad Clark (Stoney Creek): “Whereas there are a higher number of elderly people and people with disabilities living in the Hamilton-Wentworth region,

because of the excellence of the health care system in the area; and

“Whereas the case managers and placement coordinators in the Hamilton-Wentworth Community Care Access Centre have higher caseloads than other community care access centres in the central-southwest region; and

“Whereas the staff at the Hamilton-Wentworth Community Care Access Centre are paid less than their counterparts in the central-southwest region; and

“Whereas the health care system in Hamilton-Wentworth is a self-contained seamless system; and

“Whereas increasing funding will be needed to provide health care services to citizens in the future in this self-contained seamless system; and

“Whereas all workers working in the health care system, and the citizens of Hamilton-Wentworth, expect adequate funding for the health care system in toto in Hamilton-Wentworth, both now and in the future and recognize the equal importance of all the parts of the seamless health care system;

“Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows: to provide adequate funding immediately to the Hamilton-Wentworth Community Care Access Centre so that pay and conditions of staff will be equal to those in other community care access centres in the central-southwest region; and that adequate funding will continue to be provided in the future according to the needs of the community.”

CAMPING

Mr Michael Gravelle (Thunder Bay-Superior North): I have a petition here signed by over 1,000 of my constituents who are very upset about the 21-day limit on camping on crown land. They have a petition which also moves toward a solution. The petition reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the provincial government introduced a 21-day limit on camping on crown land in 1970 but has never felt it necessary to enforce that limit because the vast majority of campers on these abundant lands respect the habitat and pose no environmental threat; and

“Whereas the vast majority of campers frequently provide real benefits and support to the areas in which they camp; and

“Whereas the Ministry of Natural Resources began this year to enforce the 21-day limit, causing massive inconvenience to campers, many of whom have gone to significant expense to set up their camps and have caused no harm or damage to the natural habitat, nor inconvenience to their neighbours; and

“Whereas many of the reasons the Ministry of Natural Resources have given to support their recent crackdown, including concerns regarding overcrowding, are largely unsubstantiated,”—particularly in the north—

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to demand that the Ministry of Natural Resources stop its unreasonable crackdown on the responsible campers who are using crown lands, and work toward an agreement that would eliminate the 21-day limit for responsible Ontario residents."

As I said, there are over 1,000 names on my petition, and I'm very pleased to sign it as well.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Bruce Crozier (Essex): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex, and provide funding in keeping with the requests made by families and/or their agents."

In support of these several hundred petitioners, I affix my signature.

PROTECTION OF MINORS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): This is a petition to the Legislative Assembly of Ontario:

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit material;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the communities of Sarnia-Lambton, Chatham-Kent and Windsor-Essex and provide funding in keeping with the requests made by families or their agents."

This petition is signed by a number of residents from Ridgeway, Chatham and Tilbury, and I affix my signature to it.

1540

PROPERTY TAXATION

Mr David Ramsay (Timiskaming-Cochrane): "To the Legislative Assembly of Ontario:

"Whereas we, the property owners of Lamarche township, part of the newly amalgamated town of Cochrane, feel the doubling of our property taxes doesn't recognize the additional costs rural ratepayers are faced with;

"Whereas we do not have the services that urban ratepayers do;

"Whereas we have to pay for our wells and septic systems, that are expensive to install and maintain;

"Whereas we do not have street lights, sidewalks or even garbage pickup and some of our roads in the country are not well maintained;

"We, the undersigned, petition the Legislative Assembly of Ontario to implement a tax rate that recognizes the differences between rural and urban taxpayers."

I affix my signature to this.

PENSION INDEXATION

Mr Tony Ruprecht (Davenport): I have another petition in regard to the demonstration in front of the Ministry of Labour's office. It reads as follows:

"Whereas injured workers petitioned the Legislature of Ontario from 1974 to get full indexation of their benefits and pensions; and

"Whereas in 1985, all political parties in the Legislative Assembly of Ontario agreed to enact full annual indexation in the Workers' Compensation Act; and

"Whereas in 1998, Bill 99 restricted indexation of pensions and benefits under the Workplace Safety and Insurance Act; and

"Whereas the Canada pension plan is fully indexed annually;

"We, the undersigned, petition the Legislative Assembly of Ontario to restore full indexation on an annual basis to the Workplace Safety and Insurance Act of Ontario."

Since I agree, I'm delighted to put my signature to this petition.

DOCTOR SHORTAGE

Mr James J. Bradley (St Catharines): This petition is to the Legislative Assembly of Ontario.

"Whereas patients requiring eye care in Niagara are faced with a shortage of ophthalmologists and, as a result, are compelled to wait several weeks to secure an appointment with an ophthalmologist;

"Whereas Niagara patients who require potentially vision-saving eye surgery have to, in many cases, wait for several months to have that surgery scheduled;

"Whereas, while the shortage of ophthalmologists is occurring, the removal of billing caps on these medical specialists provides a temporary but essential easing of the health care crisis;

"Whereas the Ontario Ministry of Health's solution of removing the exemptions of the billing cap and forcing patients from Niagara to travel along the very busy Queen Elizabeth Highway to receive treatment in Hamilton is unacceptable;

"Be it resolved that the Ontario Ministry of Health remove the cap on billing for ophthalmologists in Niagara until such time as Niagara is no longer an under-served area."

I affix my signature as I'm in agreement with the petition.

NORTHERN HEALTH TRAVEL GRANT

Mr Michael Gravelle (Thunder Bay-Superior North): I'm very pleased to tell you that petitions related to the northern health travel grant and the inadequacy and unfairness of it keep coming in. I want to thank Olga McDaid for sending me these petitions today, and I will read them.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to providing 100% funding of the travel costs for northern residents needing care outside their communities until such time as that care is available in our communities."

We will continue to fight this battle. Hopefully the government will finally listen. I want to sign this petition as well.

EDUCATION REFORM

Mr Tony Ruprecht (Davenport): I have a petition addressed to the Minister of Education.

"We believe that the heart of education in our province is the relationship between student and teacher and that this human and relational dimension should be maintained and extended in any proposed reform. The Minister of Education and Training should know how strongly we oppose many of the secondary reform recommendations being proposed by your ministry and by your government.

"We recognize and support the need to review secondary education in Ontario. The proposal for reform, as put forward by your ministry, however, is substantially flawed in several key areas: (a) reduced instructional time, (b) reduction of instruction in English, (c) reduction of qualified teaching personnel, (d) academic work experience credit not linked to educational curriculum, and (e) devaluation of formal education.

"We strongly urge your ministry to delay the implementation of secondary school reform so that all interested stakeholders—parents, students, school councils, trustees and teachers—are able to participate in a more meaningful consultation process which will help to ensure that a high quality of publicly funded education is provided."

Since I agree with the sentiments in this petition, I am delighted to sign it as well.

NORTHERN HEALTH TRAVEL GRANT

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the

Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north, which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

We continue to read petition after petition signed by concerned residents of our communities in northwestern Ontario who are anxious to see the government act on this very important matter. I affix my signature in full agreement with the concern of my constituents.

ORDERS OF THE DAY

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I would seek unanimous consent of this House that we adjourn the proceedings and revert back to introduction of bills so the government may introduce a bill entitled An Act to resolve the labour dispute between the Elementary Teachers' Federation of Ontario and the Hamilton-Wentworth District School Board, so that we may order the teachers back to work and allow the children to go back to school tomorrow.

The Acting Speaker (Mr Bert Johnson): Is there unanimous consent? There is not unanimous consent.

Hon Mr Stockwell: Can I seek some clarification then? Is that request for unanimous consent out of order for the duration of the day, or is it just a fact now that the students will not be allowed to go back to school because Mr Kormos decided not to let them?

The Acting Speaker: I'm sorry, I can't answer that question. Question period is over, and we'll enter into those things that we properly do. Right now we're in orders of the day.

1550

ROAD USER CUSTOMER SERVICE IMPROVEMENT ACT, 2000

LOI DE 2000 SUR L'AMÉLIORATION DES SERVICES OFFERTS AUX USAGERS DE LA ROUTE

Mr Turnbull moved second reading of the following bill:

Bill 137, An Act to permit the Minister of Transportation to delegate powers and duties and responsibilities to deliver program services with respect to road user safety to persons in the private sector / Projet de loi 137, Loi permettant au ministre des Transports de déléguer à des

personnes du secteur privé des pouvoirs, des fonctions et des responsabilités pour fournir des services liés à des programmes en matière de sécurité des usagers de la route.

The Acting Speaker (Mr Bert Johnson): The Chair recognizes Mr Turnbull, the Minister of Transportation.

Hon David Turnbull (Minister of Transportation): Mr Speaker, I'd just like to indicate that I will be splitting my time with the members from Etobicoke North, Peterborough and Northumberland.

It's my pleasure today to introduce Bill 137 for second reading. This bill is all about improving customer service while ensuring road user safety. If passed, the Road User Customer Service Improvement Act would enable the ministry to transfer certain services to a new provider. As a first step in this process, we are seeking expressions of interest from qualified candidates to deliver driver examination services. This bill supports our government's intention to focus on setting standards, developing policy and managing services. At the same time, we remain committed to maintaining road user safety as the ministry's top priority.

Members will be aware that demand for driver examination services is especially high as hundreds of thousands of new drivers are seeking to complete the graduated licensing process introduced across the province in 1994. In October 1999, I announced a package of measures to reduce waiting times for driver examinations. As part of that initiative, the ministry committed to hiring approximately 300 temporary driver examination staff, opening temporary test facilities and offering driver testing on weekends. The result was a significant increase in the number of road tests and a reduction in the waiting times for driver examinations.

When I announced the new measures, I also made a commitment to finding ways to further improve customer service. This legislation, if passed, would build on these improvements by seeking innovative customer service proposals from outside providers. At the same time, this initiative will strengthen the delivery of the graduated licensing program, which has been a tremendous success story in terms of road user safety.

It has been almost six years since graduated licensing was first introduced across the province. Studies show the number of collisions involving novice drivers has dropped by 31%. The number of injuries and fatalities involving novice drivers has gone down by 24%. We are encouraged by these statistics. Bill 137 would help to strengthen the delivery of this highly successful program.

I am pleased to have received support for this legislation from two groups with a great interest in road user safety. Émile-J. Thérien, president of the Canada Safety Council, stated, "We are further confident that an alternative service delivery for driver examinations will solidify the outstanding success realized by Ontario's graduated licensing program. We are confident this proposed alternative will relieve the current backlog and prevent such a recurrence in the future."

Mark Yakabuski, vice-president of the Insurance Bureau of Canada, said, "We are delighted that the government has gone so far to amend the legislation to permit alternative providers of examination services in Ontario. Today's action will go a long way to further reducing waiting times for driver examinations. Today's announcement is good news for Ontario drivers, and for all of us involved in road safety."

The opposition has raised certain concerns about the effect of this bill on driver safety. Let me emphasize that road user safety is my absolute top priority. As I've said, the ministry will continue to set and enforce standards for driver examination services across the province. We will ensure that the new service provider complies with provincial legislation and we will rigorously audit the delivery of driver examinations throughout the province.

Our government will not compromise on road user safety. We have introduced many initiatives to strengthen this commitment. These measures include investing a record \$1 billion this year into highway improvement projects across the province; making Ontario's truck safety laws the toughest in North America; implementing longer suspensions and mandatory alcohol education and treatment programs for drinking drivers; and continuing to fulfill the commitments made in our action plan for safer roads.

Our initiatives demonstrate Ontario's strong commitment to road user safety. We are proud that Ontario now has the fourth-safest roads in North America and the lowest fatality rate since 1950, but we can and we must do better. We must strive to make them the safest because even one fatality is one too many. This commitment will continue under this bill regardless of who delivers the service.

The opposition has made the claim that this bill would allow the service provider access to confidential driver data. I will remind the opposition that the service provider is bound by the Freedom of Information and Protection of Privacy Act.

The opposition has also suggested that a new provider would have the power to set fees. This is simply not correct. In fact, the ministry will continue to be responsible for establishing fees.

As a ministry and a government, we have made a commitment to review all government operations and find ways to improve customer service. This bill is proof of that commitment.

Having clarified the issues for the opposition, I certainly look forward to support on this important bill.

The Acting Speaker: Further debate?

Mr John Hastings (Etobicoke North): I'm quite pleased to join in today's consideration of Bill 137. I find this particular piece of legislation very key in terms of the Ministry of Transportation's priorities, goal-setting standards arrangements, and I would like this afternoon to outline to some degree the primary benefits derived in Bill 137.

This legislation is proposed and designed to allow some MTO services to be delivered by another service

provider. Specifically, the bill supports MTO's intention to look for a new service provider for driver examination services. The demand for driver testing services in Ontario is at an all-time high. All you have to do is canvass the members of this assembly and you will find they have probably had a number of phone calls regarding access to this service. That's one of the primary rationales for bringing in Bill 137. When demand is high, when demand is persistent, you undertake some serious planning to deal with that demand in ways that are both efficient and, above all, effective for the customer. That's one of the keys. We want to reduce the number of phone calls to members in the assembly and get more people driving more safely on Ontario's highway network.

MTO has already made some significant strides in this area in terms of customer service. Last year, Minister Turnbull announced a package of significant measures to deal with customer service problems at provincial driver examination centres. In this initiative, the ministry has hired more than 300 new driver examination staff on a temporary basis. We've also established temporary driver testing facilities and expanded the hours of operation at a number of provincial testing centres. Consequently, this initiative will allow for more road tests to be offered and the average waiting time across the province for driver examinations to be reduced. With the passage of Bill 137 and a move to an alternative service provider, the province can provide more significant customer service improvements in driver examinations that have already been made.

I think it's important to note also that in this prescribed bill you would see the role of government become the steerer of the boat, not the rower. That's where we'll be looking to see how the opposition deals with that primary philosophical outlook we have on how to provide services.

1600

Ontario is committed to having the safest road system in North America. If there is an organization out there that can help us move closer to that goal by running a better driver examination service, we want that organization to be testing our new drivers. The key, of course, is to find the right service provider for the job. To ensure that the right organization is selected to undertake this important task, the ministry has established a comprehensive screening process. Before earning the right to deliver driver examination services in Ontario, a successful bidder would be required to meet a number of detailed criteria.

The selection exercise begins with the release of a request for qualifications, called an RFQ. The RFQ invites potential candidates to express their interest in assuming responsibility for the MTO driver examination business and requires candidates to meet specific criteria. If the RFQ process identifies qualified candidates, the ministry will then proceed to the next stage in the exercise, which is the release of a request for proposals document, or RFP, as it is known in the trade. Only pre-screened, qualified candidates will receive the RFP

document. That means that only qualified candidates will be allowed to bid on the delivery of driver examination services.

If a successful candidate is chosen, the ministry would develop an alternative service delivery contract with the winning bidder. As I have suggested, great care is being taken to ensure that from the public's perspective the operation would have only one possible outcome, and that will be better, more cost-effective service delivery. I believe the citizens of Ontario simply cannot lose with this approach, because the whole point of the exercise is to provide them with better and more effective service. If the selection process results in a new provider of driver examination services, the service delivery contract with the ministry would contain measurable objectives and clear milestones for customer service improvements.

In addition, it is this government's earnest desire to better government, to enrich the lives of Ontario citizens by providing respect and opportunity. I and my colleagues believe taxpayers have vested their trust in us as a government. They expect us to treat their dollars prudently and respectfully. Indeed we recognize that taxpayers are customers who expect value for their money when they pay it. Above all, with this legislation we look forward to ever so modestly improving customer service so that the people of Ontario will benefit.

Others have spoken to Bill 137's benefits in terms of road user safety. But from my perspective, the importance of the bill is that it would mean better, more cost-effective, customer-friendly services to the public. For that reason, I urge members to support Bill 137.

In addition, if you look at this bill in terms of its accountability, there is a whole set of mechanisms set out. I anticipate the opposition will not be able to focus on this because it has a positive benefit. When you look at section 9 and subsections 10(1) and (2), we have such things as an annual report and additional reports to the minister. In terms of handling personal information, all uses of documentation under that have to be undertaken through the Freedom of Information and Protection of Privacy Act in the delegation of these responsibilities.

When you look through the provisions of the bill, the specific dimensions of accountability are there in terms of providing for accelerating our road user safety objectives and also for providing effective, efficient and convenient customer service through driver examination centres in this new way.

Mr R. Gary Stewart (Peterborough): It is my pleasure to speak to the members today in support of Bill 137, An Act to permit the Minister of Transportation to delegate powers and duties and responsibilities to deliver program services with respect to road user safety to persons in the private sector. I think the title of the bill says it all with respect to road safety. This bill will permit the Minister of Transportation to improve customer service at driver examination centres through a new service provider.

I want to emphasize the words "customer service." It's something that is extremely well known in the private

sector but unfortunately is somewhat foreign to many in the public sector.

As members know, the ministry is seeking expressions of interest for a new provider of driver examination services in this province. I believe that customer service and indeed competition will serve the citizens of this great province well in the future. Again, competition and good customer service are what make the economy go, as well as keeping the citizens extremely satisfied.

I believe that Bill 137 will enable the ministry to take steps to provide better service to the people of Ontario. I know that all members of this House support those goals, and I truly hope the opposition will do so as well and indeed will support this bill.

I've been in business in this great province for some 40 years, so I believe I have a bit of an idea of what customer service is all about. Certainly you don't stay in business for that length of time unless you contribute and cater to the public. I know both the opposition and the third party constantly criticize the private sector. For the life of me I cannot understand why. They go out and buy a car, a house, groceries or a new suit or dress. They buy all these things from the private sector, yet they stand in this House and criticize the private sector.

Interjection: Shameful.

Mr Stewart: I think that is extremely shameful—I thank my colleague from Brampton. The business community—small business, the small entrepreneur, home businesses or whatever it might be—should be absolutely disgusted at what they are saying about them and the businesses they conduct.

I am aware that one member has expressed concern that Bill 137 would compromise road user safety in this province. I would like to try to lay those concerns to rest today. The fact is that road user safety is the MTO's number one priority, and let me assure you that it is mine. Bill 137 will support the delivery of Ontario's graduated licensing program, which has proved to be an unparalleled success since its introduction six years ago.

Under graduated licensing, novice drivers obtain a licence that requires them to obey a comprehensive set of driving restrictions on alcohol, night driving and travelling on busy highways. These restrictions are designed to provide new drivers with valuable experience at a period when statistics show they are the most vulnerable; and indeed that is so true, because night driving on the busy highways, especially the 400 series, is a bit of a hairy situation these days, even for those of us who are more experienced drivers.

1610

Under graduated licensing, all novice drivers must complete a two-step licensing process and take two road tests before obtaining their full licence. After driving on the 401 fairly regularly over the last five or six or 10 years, I would suggest that some adult drivers should go back and take those two road tests as well. I think they need some upgrading, as I observe, anyway.

The graduated licensing system is designed to promote safe driving habits among beginner drivers, in the belief

that those habits, once learned, will last a lifetime. I believe some of the habits all of us have learned, whether it's through ethics or morals or whatever, do last a lifetime if you're taught well in the first place.

Statistics show overwhelmingly that graduated licensing is working. Studies show that the number of collisions involving novice drivers has dropped by 31%. The number of injuries and fatalities that involve novice drivers has gone down by some 24%. It is working. With graduated licensing, Ontario is on the way toward achieving its goal of having the safest roads in North America. Bill 137 would enhance the delivery of this highly successful licensing program.

A new provider delivering driver examination services would build upon the improvements the ministry has implemented to reduce waiting periods for driver testing. The backlog, as we've seen it over the last number of years, is less, but there is improvement to be made. Today, with Ontario's growing population, and more than eight million drivers on the roads, the demand for driver examination services is high. That demand will continue to grow in the future, along with our economy and population.

Increasing the effectiveness of the driver testing process today will ultimately help support our efforts to make our roads safer in the future.

Bill 137 enables the ministry to pursue potential new service providers. A new service provider would be responsible for vision testing. It would also examine candidates for licences on their knowledge of the rules of the road. Don't we often forget the rules of the road, and don't we often forget to be courteous on the road? Again, I believe novice drivers, new drivers, those candidates for licences, must know the rules of the road. A new service provider would take driver's licence photos and book appointments for road tests, and it would be responsible for carrying out road tests needed to obtain Ontario's class G1 and G2, commercial and motorcycle, licences.

We believe that government ministries should set provincial standards and work to see that they are met, again in consultation with the public, which has to abide by those standards. We also believe their primary business is to manage services effectively and efficiently, rather than to deliver services directly.

With the passage of Bill 137, the Ministry of Transportation would continue to play a key role in licensing drivers across the province, again in co-operation with the private sector. It would set licensing policies, fees and standards. It would focus on efforts to see that those standards are met, and met consistently.

Under the government's proposal, a new service provider would build upon the improvements we have already made to the system. The delivery of the graduated licensing program would be supported, and this supports our efforts to make our roads safe. That's the whole key to this legislation, and that is to make our roads safer for the travelling public.

In conclusion, I would like to urge every member of the House to join me today in supporting the second

reading of Bill 137. As elected representatives of the public, we all want services for the people of Ontario and we all want safer roads, and that is what Bill 137 is all about.

Mr Doug Galt (Northumberland): Certainly this is an interesting topic that we are addressing, second reading of Bill 137. I see this as all about customer service—most of it, anyway—and I rise today to support it. I'm sure that every member in the Legislature is going to support the Minister of Transportation in this approach to a new way of delivering the kind of customer service that we need.

This is very consistent with other things the ministry is doing. For example, I recall back in 1995-96, shortly after we took office in the first term, that we were privatizing a lot of the maintenance of our highways. I recall the opposition yelling and screaming and carrying on. I haven't heard too much from them lately, now that it's working extremely well. Of course, whenever you start something there are a few hiccups in it, but this has worked out very well, not surprising when you have the private sector involved.

This is one more step that we're taking in that direction as we look to seeking interest from potential new service providers for the delivery of driver examination services. In this regard, the immediate goal is to provide the public with better service. I don't think there's any question it's a hallmark of this government, ever since 1995, to provide a better service. You can take many examples. You can go to the common counters that were implemented prior to the election. This is an area where the public can go and get information on any ministry. It's sort of a one-window approach to handling customer service. I might mention it's working very well. We'd like to see it expanded even further, but it is evolving. The kiosk where you can go and have your licence renewed—if you can go and get money 24 hours a day from the automatic teller, surely to goodness you can go and do things like having your licence updated. That has certainly been in place for some time. Those are two activities of this government.

Also I think it's interesting to note the kinds of awards the public service is receiving because of the guidance from this government. For example, the Ministry of Natural Resources, through their Parks Ontario reservation system, recently received a prestigious award from the Canadian Information Productivity Association.

Mr Speaker, do you recall just a year or two ago, when this new program of reservations was brought in, they were on their hind legs over here, yelling and screaming it wasn't working? They didn't give it half a chance. It was just getting started. I haven't heard very much from the opposition benches about Parks Ontario and the reservation system in this last year or so. Of course it's working well, and we wouldn't want to take a chance on the opposition coming along with something positive and supporting the government.

Here are some examples, just a few of many examples, where customer service has been improved in

Ontario. Once again the MTO, the Ministry of Transportation, is moving in that direction, and I'm certainly very pleased to see that. Our government's longer-term goal, and the ministry's number one priority, is exactly this: to make Ontario the North American leader in road-user safety. Again, that has been the priority.

I had a question to the Minister of Transportation recently, the Honourable David Turnbull, just after travelling through Quebec and seeing the roadsides down there manicured like a park. I was questioning why that wasn't happening in Ontario. Of course, you ask questions you know the answers to ahead of time, and I wasn't surprised with his response. It was the terrible conditions the roads were left in when we took over the government in 1995, and we're still catching up, putting all the dollars on to paving roads and repairing them.

1620

We must have been the pothole capital of the world in 1995 when we took office. It was indeed a disaster, and the minister of the day—that was the Honourable Al Palladini—committed to filling every pothole in the province of Ontario, if he had to do it himself. I remember the members from the opposition, particularly those in eastern Ontario, driving through 401 in my area. They were incensed by the roads and the conditions they had left them in. They were incensed in 1995-96. I haven't heard very much from them lately talking about the potholes in Ontario.

I even heard a radio station back in the fall of 1995, spring of 1996, talking about the biggest potholes, and they were wondering where they were coming from. They had calls coming in. They had potholes in northern Ontario, this caller said, so big that the moose used them to hide from transports. Those were the kinds of stories we were hearing on the radio. Down in the Cornwall area I understood that somebody phoned in and said the potholes down there were so deep that if you went to the bottom of one of them you could hear Chinese talking in China. Those were the stories that were out there. We don't hear those kinds of stories today.

These potholes—you break rims. As a matter of fact, my son-in-law, driving his car on the road from Sioux Lookout down to Dryden, hit one of those potholes, bent two rims—they never have found the hubcaps off that car—and ruined two tires. This is in a pothole on a highway. This government has since paved that road, and they were pretty pleased about that. That's the kind of dangerous situation the roads were in when we took office.

I just wanted to get into safety. That's what reminded me of that. According to the latest collision statistics, Ontario has now, thanks to what has been done in the last five years, the fourth-safest roads in North America. There's a good and bad here. That's something we can celebrate, that we're fourth, but there are also three ahead of us, and I don't think Minister Turnbull is going to be happy until we are number one in road safety in North America.

Road fatalities in this province have dropped to their lowest level since 1950. With the number of vehicles on the road, the number of transports on the road that we see today, that to me is pretty remarkable, and a lot of that has happened just in the last four or five years. I think of the number of transports. I don't know if you have noticed or not, but I certainly have, the number of transports moving goods in the province of Ontario that were not moving goods in 1995. There was nobody there to buy them. There were some 800,000 net new jobs created in Ontario, and there are now people earning who can go out and buy those goods. They're working to produce the goods, something that wasn't happening at that time. There are that many more trucks on the road, but the safety is still there, not to mention those 800,000 people going to work on a daily basis in their cars on the Don Valley and the Gardiner here in Toronto.

I've heard the opposition talk about gridlock in the Toronto road system, and I stress the Toronto road system, not necessarily so much the province's. The reason it's there is because there are so many more people going to work. It's something they never planned for. If they'd listened to the commitment that we had in the Common Sense Revolution back in 1995, they could have planned ahead for those 725,000 net new jobs that we were committed to for over five years, and we're committed to another 825,000 over the next five years. If the city of Toronto wants to plan ahead, now is the time. They should expand the Don Valley, expand the Gardiner and look ahead at what's coming in this city, look ahead at what's coming in this great province of Ontario. It's certainly remarkable the amount of goods moving, the number of cars, people going to work, people going out to buy goods because they now have some money in their pockets. They've got the \$200 from that tax rebate that was sent.

Talk about happy people. In the parade in Cobourg last Saturday, I never saw so many people with so many smiles and chattering along the parade route. They indeed are happy people today compared to 1995. At the Santa Claus parade of 1995 there were a lot of sad looks on their faces and not too many people out along the streets to celebrate. Certainly the statistics of the reduction in the fatalities on the roads in Ontario is something to celebrate, but we still have more to do.

We can't stop until every fatality on the roads of Ontario has been eliminated. That may be a long stretch to think through, but I think there is still more that can be done in driver education, driver testing and road safety. We will become, at the rate we're going, number one in Canada and North America in road safety.

A new provider for driver examination services would build on improvements that we have already made to the system, further improving waiting times. Certainly my office, not recently but going back a year or so, was inundated with calls about waiting lines. I know the minister wants to do something about that, and I'm sure this new approach, with having the private sector involved, will make quite a difference. We were also

very disappointed in the number of offices that were closed in my riding and taken to centres such as Peterborough, but I understand a lot of things do orient to Peterborough, and I'm very supportive of Peterborough and of my good friend Gary Stewart, who's in that riding. But people in my riding are very concerned about the distance they have to go for their testing, and we look forward to the private enterprise providing improved service.

I'm certainly very supportive of the new graduated licensing program. As the members know, graduated licensing is saving lives and making roads safer in every part of this province. But it did take a long time, in spite of the lobbying of the Insurance Bureau of Canada. The Liberal government of 1985 through to—well, there was an unholy alliance there for a couple of years—1987 to 1990 just didn't get the message from the Insurance Bureau of Canada. They didn't understand what they were bringing forward. I believe it was almost at the end of the term of the NDP government; they were having difficulties understanding about this graduated licensing program. But it does work. It has worked in many other places around the world, and it is now working extremely well here in Ontario.

A new service provider for driver examinations would enable the Ministry of Transportation to focus on what government agencies do best. The government will continue to set the high standards for testing across this great province and strive to make sure those standards are being met. The Ministry of Transportation will continue to focus on its many province-wide safety initiatives, and that is where those efforts should be put. As somebody said earlier—I think it was John Hastings, the parliamentary assistant for the ministry, who made the comment—the government should be here to steer, not to do the rowing, and that's the kind of thing that would happen with private enterprise.

As members know, for example, the ministry is currently implementing the action plan for safer roads. This was announced back in September last year. This action plan includes a number of major improvements to one of Ontario's busiest trade corridors, Highway 401, and a wide range of other measures to enhance and promote safety on roads throughout this province.

I well remember in the campaign back in the winter of 1994-95 this was a big issue in the riding of Northumberland. There are some curves as you go through from Port Hope to Cobourg and on east, and there was a number of accidents there that crossed over the 401. The median was rather narrow—unfortunate planning in the beginning—but as people came out of Toronto and were driving for some time along a straight road and then came to the curves, mesmerized by the highway or whatever, accidents were very common there, particularly on snowy days. People were crossing the median and even a school bus crossed. Again, the coroner's recommendation was to get a barrier in, and there was a lot of pressure to do that.

I'm pleased to be able to report at this time that almost all of that centre barrier is now complete, and it's my understanding that this time next year that probably will be completed through that area. It has already been saving lives. Certainly the OPP have told me that they see a tremendous change in the direction, and that was happening while the wall was being built, while just some portions were being put in place. It's certainly part of the safety and concern that this government has for the people of Ontario as we build those barriers.

1630

In terms of work to improve Highway 401, much of it lines up with the recommendations of the coroner's jury at the inquest into the terrible accident that occurred back in 1999 on Highway 401 and Essex. We all remember the foggy conditions. People weren't slowing down; however, the odd one did and then they ran into the one that did slow down. It was quite a nasty scenario. I remember, I think it was two nights and running. In response to the jury's recommendation, MTO is accelerating the construction of median barriers along 401 between Windsor and Tilbury. The ministry's planning to be in a very aggressive construction schedule as soon as environmental process and design stages of the work are completed.

As a result of these efforts, the median barriers will be completed about two years ahead of schedule. Safety will be significantly enhanced, and here we are again with these barriers on the 401. It would have been great if we could have taken those lanes and put them out along the boundary fences and had some brush and stuff in between. It would have provided a tremendous amount of safety for the drivers of our four-lane highways, but since the lanes and the road beds are already on location, and we had the bridges designed as such, the best we can now do is put that barrier down the centre.

As I see the barriers being developed and put in place, particularly in Northumberland, I think it's interesting to see the holding ponds that they have for water that's running off from the ditches. It slows it down, retains the salt to drain in and soak into those areas. It helps to retain the groundwater rather than having the flash runoffs from the pavement, as we are all too familiar with, that happen on major highways and off roofs in big cities as well. These retention ponds are very, very valuable to the environment, and it's great to see you constructing those at the same time that they are putting in these barriers.

It's good, because of the stimulation of the economy, that the dollars are there so that we can be ahead of time, be ahead of schedule, just as the coroner has recommended that we get on with building these barriers. I didn't see any barriers being built prior to 1995. As a matter of fact, there were very few dollars invested in the infrastructure of the highways in the province of Ontario up until 1995, during those 10 lost years.

As well, the ministry will install a permanent vehicle-counting station in the Windsor-London corridor to monitor the volume of traffic that's moving through there. Again, a lot of that has to do with the stimulation

of the economy and the number of transports and people going to work.

Under the action plan for safer roads, work is also well underway on paving the outside and median shoulders of the highway. By the end of this year, the ministry expects that about 160 kilometres of the total distance of 175 kilometres will be completed. That in itself is customer service. It's also safety for the people of the province of Ontario.

Some of the other improvements include the addition of rumble strips on the edges of the highway to alert motorists when they're leaving driving lanes. They put a lot of those rumble strips through Northumberland and east of here. It's quite a wakeup when you pull over accidentally or on purpose and you hear them. It's a call to the fact that you're no longer on the driving part of the lane and it brings you to your attention and really wakes you up very, very quickly. They're probably very reasonably priced things to put on highways, those rumble strips. There they are to alert motorists when they leave those driving lanes—another safety issue. Also, customer services is part of that.

As well, reflective pavement markings are being installed on the curved portions of the roadway between London and Windsor to improve visibility for drivers at night. We talked about the 1999 accident up in Essex. We had a similar one on the bridge over the Trent River, now Quinte West—it used to be called Trenton; it's now the Trenton Ward—back in 1981. There was fog coming off the river, an extremely cold night and some of the transports slowed down going through that fog and others didn't slow down. It was very early in the morning. We ended up with a very, very serious accident with many people killed in that pileup. As a result, they put lights in, put reflectors in the centre, and it certainly improved the conditions there.

The ministry is also stepping up its driver education programs in its efforts to promote road safety. These efforts include measures to address aggressive driving, and drinking and driving, and to encourage all drivers to obey the law by using their seat belts. I get so enthused every time I come to something like seat belts. I've been wearing seat belts ever since I bought a Volkswagen back in 1958. I had quite a time convincing them that I wanted them and getting them to put them in. But they do save so many lives, they're so important in our vehicles, and we've evolved to shoulder straps and to air bags. Certainly it's improving car safety, the unit you're in.

Drinking and driving in the 1950s and 1960s was kind of an excuse for having an accident: "You can't blame it on the driver. He happened to be drunk. What else would you expect?" Through education programs, culturally it has become unacceptable, and we have a much, much better attitude toward taking a drink and going out on the road. That has certainly turned around.

It's great to see the various functions that the OPP or the police in general carry out with their RIDE programs, checking people to see if they have in fact been drinking and driving. I have had the occasion to be through several

of those. I also had the opportunity a couple of years ago to work with the OPP out of Cobourg, and we did a RIDE program. I stood in the middle of the road with the OPP officers as various drivers stopped. It was a neat educational experience to be involved in that and also to see the seat belt blitzes that go on, some of the volunteers standing on the corners in communities, counting and checking to see how many people are indeed wearing their seat belts or not. It's great to see the increased number of people wearing their seat belts in Ontario.

As I've noted, Bill 137 would help to improve the delivery of driver examination services right across this great province. But in terms of Ontario's policies, fees and standards for driver examinations, the Ministry of Transportation here in the province will continue to run the show. In other words, they're going to continue to steer, but there'll be more growing going on by other organizations, particularly the private companies that will be involved in delivering this in the future.

This government made a commitment in our Blueprint document—that was our campaign platform back in 1999. I'm sure you would remember it being part of that campaign. It was there to ensure that the government is more accountable to the taxpayers of Ontario. There's just a great section that starts on page 18 and goes through to page 20. It's "Making Government Work Smarter, Faster and Better." That's really what this particular bill is about. It's about "Customer Service and Satisfaction"—that's item 3. "Service Where and When You Need It" is item 4. It really fits right into those two sections. That's on pages 19 and 20, in case you want to check on that.

We're working right through this Blueprint. We'll soon have it completed. Customer service and satisfaction have certainly become a hallmark of this government and I think are going to be well into the future. When we come to the election in 2003-04, the public will recognize that this government not only is doing what we said we were going to do—and that has become a slogan, a hallmark of our government—but we'll also be recognized for how customer service has improved in this province; not that it didn't need to—it wasn't great there for a long time—but now it's in much better shape.

We're talking here about a declaration of taxpayer rights in our customer service. My, my. We hear about the rights of a lot of people, but what about the rights of taxpayers? They're the ones who have been taking it in the ear for so long.

I mentioned earlier the common counters. There's a commitment in here for more common counters, one-stop shopping. This is a commitment our government has made in customer service as part of this bill we're debating today.

"Complete business registration at one location" through a kiosk: that was started—I'll be fair here—just prior to our government, but how this has accelerated and stepped up. It used to take weeks and weeks and weeks to

register a business. Now I understand you can do it in 20 or 30 minutes at one of these kiosks.

"More electronic kiosks with more services: these user-friendly computer terminals in 60 locations in Ontario allow people to renew their driver's licences and plate stickers, pay fines, change address information," and so forth. This indeed is customer service, along with more Internet services. I can't believe how the Internet has been expanding. We have gone to something like doubling our Internet activities every 100 days. That would happen three times a year. Just imagine the expansion of the Internet.

1640

Those are some of the commitments. I thought you, Mr Speaker, and the opposition in particular would be interested in seeing what we've been doing on our commitments for customer service. Certainly, here we are with Bill 137, a bill all about customer service and about safety. Again, hallmarks of this government are safety and customer service.

Speaking of this commitment that we have in the Blueprint, it's there to ensure that the government is more accountable to the taxpayers of Ontario. I just commented about the taxpayer bill of rights. How can we be fair with taxpayers and to know where their dollars go? So often taxpayers say to me, "Those tax dollars just seem to go off into a black hole, and I never know where they go or where they come out or what happens to them. Doug, tell me what goes on with those tax dollars." It's good to see this coming through in customer service. In the future they will know. And we have more accountability in our schools and more accountability in our health care system.

It was a sad situation we were evolving into with the previous government. There was no accountability anywhere, especially the last year. What did they sit: 21 days or 22 days in a whole year? They were just sitting there collecting their salary, I guess. I'm not sure what else they were doing—trying to figure out when to call the election or when not to call the election.

Interjection.

Mr Galt: The member for Niagara Centre is pointing out 1995. What were they going to do? He's trying to come up with the reasons in 1992, 1993, 1994 and 1995 they kept sitting and didn't call the election when they should have, on the anniversary date of about four years. Instead, they went almost through the fifth year, almost to the point where the Lieutenant Governor would have to dissolve the Legislature and have an election anyway. But their leader finally came through with an election in the spring of 1995, much to the appreciation of the people, the hard-hit taxpayers of Ontario. I can tell you there were a lot of people who just couldn't wait for that election. I can also tell you that they were absolutely thrilled with the results of that particular election.

One of the important parts of the commitment of this government is to deliver safe, efficient, high-quality services to the people of Ontario, and that is indeed happening. We're here to fulfill that commitment. We're

exploring new and innovative ways to improve customer service. When we're improving customer service, all we have to do is look to private enterprise and see what's going on.

I remember a survey that was carried out back in the early 1990s. It was when there was a lot of cross-border shopping—I believe that was the time period—about eight, nine, 10 years ago. The survey said they weren't cross-border shopping to save money; it was for improved customer service. I couldn't believe after that survey came out the turnaround of customer service in the city of Toronto. It didn't matter what hotel you went in, whether it was to the Exhibition here in Toronto or wherever, customer service literally turned around overnight when that survey came out. So it's obvious to me that customer service is very important in the response of not only private industry but the public sector as well when those kinds of surveys are carried out and brought to the attention of the public.

Wherever it's practical, safe and cost-effective to do so, we are prepared to transfer out the delivery of those services. In this case, this is a straightforward examination of process where criteria have been established and can be used by the private sector. I certainly look forward to those kinds of activities.

Bill 137 reflects this important commitment to the people of Ontario, and we'll continue to explore further improvements in the future. In this way we'll ensure that the government delivers to hard-working people in all parts of this great province the high-quality services and excellent value for money they expect and certainly deserve.

Hon Janet Ecker (Minister of Education): On a point of order, Mr Speaker: I would like to ask for unanimous consent to revert to introduction of bills to allow the introduction of appropriate labour legislation, that the House immediately proceed to second reading debate for the remainder of the afternoon, the time being divided equally among the three caucuses, and that at 5:50 this afternoon the question on second reading be put, and that following that vote, third reading be allowed to be called and the question on that motion be immediately put without further debate or amendment, and that there be no deferral permitted on any divisions requested, with any division bells limited to five minutes, and that notwithstanding this interruption, this afternoon's debate on Bill 137 be considered a full sessional day's debate.

The Acting Speaker (Mr Ted Arnott): Is there unanimous consent? I heard a no.

Questions and comments?

Mr Pat Hoy (Chatham-Kent Essex): The member for Northumberland talked about the 401 and he made some good points. He talked about the median barrier that will stretch from Windsor to Tilbury, and the people in that area certainly appreciate that. But they are mystified as to why the government didn't continue that median barrier across the riding of Chatham-Kent, where Carnegie Alley exists, where so many people have died in

the last many months. The people don't understand why they would stop at Tilbury and not extend that median barrier through Chatham-Kent. As well, the people in that area and people across Ontario wonder why the government has not put in place an immediate action plan to put three lanes on that section of the 401, as called for by many people: three lanes going east, three lanes going west. We have a high volume of traffic. Trade is increasing and the economy is good. We need those three lanes now.

Also, people are wondering why we don't have fully paved shoulders on both sides of the highway. The government has put a shoulder on the right-hand lane but they haven't on the other side. People come to me and say, "Don't we count if we're driving in that other lane?" Why would the government not move in that regard?

The actions to date by the government are simply not enough. I have received over 5,000 responses to a survey where people are asking for these safety measures to be implemented. I know when the member brought up the 401 he was speaking of his general geographic area and his riding, but certainly much more needs to be done in Chatham-Kent. I thought that was what the minister was going to bring about here today rather than Bill 137.

1650

Mr Peter Kormos (Niagara Centre): I have but two minutes in this rotation of two minutes per caucus to comment on the comments of Lord knows how many members who shared the leadoff for the Conservatives. It's a very dangerous road to travel. This government is talking about privatizing driver testing at a time when the government itself is being critical of private driver training. At a time when the government has expressed concerns about people being able to buy a driver training certificate, they want to make access to drivers' licences the parallel of going to the corner store to buy a long-distance card.

We've got serious problems on our highways. They've been noted, and I believe they are of concern to every member in this assembly. But we should be talking about strengthening the types of driver training that are going on out there, the effectiveness of driver training and maintaining and strengthening the integrity of driver testing to ensure that only those people who meet the universal and, frankly, what should be high standards are allowed on our roads in the first place. The route to privatization is going to infect the integrity of the Ministry of Transportation's driver examination system. It's going to result in the termination of the jobs of hundreds of people who are committed, long-time, qualified, competent and professional staff of the Ministry of Transportation, who have been designing driver examination programs and who have already seen the MTO gutted by this government. Again, a Snobelenesque creation of a crisis: shut down a whole bunch of driver testing offices so you have huge lineups, so that people can't take their tests, and then say, "Oh, well, we'll privatize and hand it over to our corporate buddies so they can make huge profits."

The Speaker (Hon Gary Carr): Further questions and comments?

Mr Hastings: Mr Speaker, I—

The Speaker: You're not allowed in questions and comments. You were in on the debate.

Mr Hastings: On a point of order, Mr Speaker: It seems to me that—

Mr Mario Sergio (York West): You're challenging the Speaker?

Mr Hastings: Yes, I'm challenging the Speaker, like you often do, member for York West.

The Speaker: Get to your point quickly. Don't talk to them; talk to me, please.

Mr Hastings: I'm talking to you. I think I ought to be able to make a two-minute presentation. The other two parties—

The Speaker: You can't. The rules are very clear. You cannot—

Mr Hastings: You always stretch the rules—

The Speaker: We don't stretch the rules, so don't say that. It's part of the rules. You can't speak.

Further questions and comments?

Mr Brad Clark (Stoney Creek): It strikes me as odd that from time to time bills are introduced in this House and we hear different opposition members speak about the fact that there are so many other important bills we should be debating in the House, that there are so many other things that are far more important than what the government is supposedly proposing. Here we have an opportunity to actually deal with an educational crisis in Hamilton and put the students back in school, and the member opposite is refusing to co-operate with the government and the Liberal Party. Here we have an opportunity to talk about a bill that is vitally important to 40,000 kids, putting them back in school, but the member is refusing to allow us unanimous consent to bring it into the House.

I challenge the member: if he wants to talk about it and debate it, why doesn't he support unanimous consent? I say to the people at home, you should be talking to the member, Peter Kormos. Why is he refusing to allow us the opportunity to put the children back in school? I don't understand it, personally. From time to time, we hear him say there are far more important bills to debate. Well, here we have an opportunity for you to debate a bill, but you refuse. You put political posturing ahead of 40,000 kids who should be back in school.

The Liberals are willing to go ahead. Our government is willing to go ahead. The sole member standing in the way of democracy in this House, the sole member standing in the way of 40,000 kids going back to school is the member opposite. I'm totally confused. As far as I'm concerned, we should now be debating the back-to-work legislation. Instead, this member is refusing to allow that to happen.

Mr James J. Bradley (St Catharines): I'd going to actually address the bill, which has a lot of significance. Once again, it represents the attack of the right wing, the Fraser Institute crowd, on another public institution.

This is what they do—my friend from Etobicoke North knows this. Here's what the Fraser Institute and the right-wing people will tell you to do: "What you do is discredit a public service. You create a crisis in a public service to such an extent that people, in exasperation, will accept a solution they normally would not, a solution that is not good for the province in the long run."

All you have to do is allocate the appropriate number of staff and facilities so that people in this province have the service available. This reminds me of so many other areas we have in the province. For instance, if you back things up in the Ministry of the Environment lab long enough or if you cut the staff there, then eventually people will say, "We'd better have privatized laboratories throughout," and close down the Ministry of the Environment labs that provided part of the service for people in Ontario. The former Minister of Education was quite honest when he said, "What we're going to do is create a crisis. You have to create a crisis so you can have the changes we want." That's what happens.

I think the Ministry of Transportation has provided a good service in years gone by. There are some excellent people who are still employed by the Ministry of Transportation who know how to do the job. There are guarantees there. I think the former Minister of Transportation recognized that. He knew there were good people there. All we need is the appropriate allocation of staff and resources to that ministry to have an essential service provided for the people of this province. We don't have to privatize it. We don't have to throw out something that used to work quite well when it was adequately funded and had the appropriate staff. Let's have those days restored. They were even days when the Conservative Party was in power.

The Speaker: Response?

Mr Hastings: I'm certainly glad to respond to the member for St Catharines. In many ways, I think he echoes a preference for the old nostalgia. It has nothing to do with the service provided by the folks at the MTO. Very shortly, in about 40 days, we will be in the second year of the 21st century. Governments have so many demands on them today from health care and education—hopefully we'll get this bill through very shortly—that governments have to look at new and innovative ways of providing the same service at an effective, efficient cost, at an affordable cost that is customer convenient. It seems to completely miss the member for St Catharines that people are looking for service. Sometimes you have to look at different ways of providing that service. That's the essence of this bill.

I know other speakers are going to come forth to say there aren't sufficient safeguards in this legislation. I'll be more than happy to designate in later presentations the specific levels of accountability and safeguards in the legislation, from the way an agreement would be set up by the Ministry of Transportation with an alternative service provider, to the specific ways information has to be reported through the annual meeting of the service provider. There's a whole set of other specific provisions,

including revocation of the delegation of these powers should the alternative service provider not live up to the terms, conditions and items set in the contract. That's why we need this legislation.

The Speaker: Further debate?

Mr Hoy: I will be sharing my time with the member for Simcoe-Lambton and the member for Kingston and the Islands.

Mr Sergio: What about York West?

Mr Hoy: And the member for York West.

It's interesting that the minister began his comments on Bill 137 by talking about graduated licensing. Indeed the government has created its own crisis. It has been common with the Harris government to create a crisis and then rush in and say, "Now we need to fix something."

Graduated licensing is exactly that. It's a crisis created by the Harris government. They ignored the advice of experts who knew the early recipients of G2 licences would all eventually be coming on stream to have their final licensing take place. This produced hardship on many people. It put hardship on those who had their licence, were looking for jobs, needed to renew and found out that the waiting lists were some 10 months long. Some were even longer than that. It also provided hardship for university students who needed a vehicle to go out and earn some money to pay for the skyrocketing tuition costs here in Ontario.

As an example, a young person who was going to teachers' college came to me and said, "I need my licence to go to my placement school." She couldn't get it because the waiting lists were so long. The Ministry of Transportation confirmed that the waiting list could be as long as 10 months and estimated that over 600,000 road tests would be required, when the average number of tests in the four years prior was only 354,000.

1700

The government created a crisis and they would not listen to the people in terms of the licence-issuing offices that already existed. In Ridgeway and Leamington those offices were, through me to the minister, asking that they remain open. They wanted those licence-issuing offices to be in place.

I wrote to the former minister back in August 1995. The town of Ridgeway was asking to have their licence-issuing office reopened. The Ridgeway Chamber of Commerce sent a letter in support of this. There was a petition with 1,383 local citizens' names on it. The town of Ridgeway has a population of about 4,500 and that includes men, women and children, so a petition of this size was very significant. They really wondered whether the government had a commitment at all to rural Ontario, which I'll talk about in a few moments as it pertains to Bill 137. They really wondered if the government was listening. If there was a crisis, and here's an opportunity to reopen an office and have people avail themselves of getting a licence in a timely and efficient way, surely they would have listened to the people in these two communities.

Further to that, there was no cost to the province. The local people said, "We can provide the office, we can provide the infrastructure that's required, at no cost to the provincial government if you would simply reopen this office." I think it was a reasonable request. It was turned down by the Harris government.

I have in my hand just a sample of the many, many requests to my office in the riding of Chatham-Kent-Essex. People had called to have their licence put in place in January, their licence expired in August and the test wasn't until September. Clearly, these people were desperate. They called in August—this is another one—the appointment was in January of the following year. They called in April and the test was going to be in November. In many cases their licence was due to expire. They called in August, and they were upset about a booking that was going to take place in October. As I say, the government created its own crisis.

Here today now, they come in with Bill 137. As you look at the very first page, the bill permits the Minister of Transportation to delegate powers, duties and responsibilities relating to road user safety to persons in the private sector. That's exactly what the bill's intent is all about.

Bill 137 will reduce safety on Ontario's roads. This is just another in a series of anti-democratic, blank-cheque bills from this government. It's a six-page bill that essentially permits the cabinet to do whatever they want by regulation. We don't see the regulations in this House; it is done by the government. What safeguards are there? What reporting will there be? What audits will be taken? The government and the minister want to take power to themselves and form regulation.

The public must wonder what safety features will be in those regulations, and I think we should see that in advance and it should be in the bill if the minister is concerned about safety. Bill 137 will allow the government to privatize any of the powers of the Ministry of Transportation relating to road user safety. It's another in a series of blank cheques, these types of bills that essentially allow the government to do whatever they want.

What could the government privatize beyond what they speak of in the bill—it's what they don't speak of in the bill—once they've taken this power unto themselves? Truck inspection, including spot checks and weigh stations; highway inspection and monitoring, including the inspection of new highway construction. Where are the safeguards, where are the reporting systems, where are the audits for this blank-cheque bill?

Road safety: profit levels, which will certainly be an issue with those who are going to take on these services, will be their sole motivation to provide the service. And when profit levels are entered into the equation, often corners can be cut. The Walkerton tragedy so graphically illustrates the government's blind ideology. Their driven agenda of privatizing vital government services has resulted in reduced standards in public safety. It has also resulted in higher cost and lower service for consumers.

The government claims there will be rigorous standards which will be set by regulation, and there will be monitoring. But as we have seen with the Walkerton tragedy, when this government privatized the vital public safety service of drinking water testing, there was virtually no monitoring or enforcement.

I want to talk for a moment about higher fees. We know that this privatization will foster the ideal of making profits, and as happened with the privatization of other government services, such as toll roads—Highway 407—Bill 137 could result in higher fees for drivers. Private sector companies may also charge more in rural and remote areas in order to offset a smaller customer base. Along with that, the reduction in services for rural and northern communities is one I'm very concerned about, as is my caucus. Privatizing road safety services could result in for-profit corporations reducing levels of service in less profitable smaller and remote communities, forcing new drivers to travel to larger urban centres for a driver's test.

The question would be—as you think back to my conversation about the two offices in my riding that the government didn't seem to want to open or help, or accept their help—would new offices be opened in rural Ontario, in northern Ontario, in a for-profit system? And would there be closures of the existing offices in these same locations in northern remote areas and rural Ontario? We know what happened when the government decided to take away the ag offices across Ontario, close them down. The rural Ontario people feel disenfranchised. They see the government becoming more remote from them. Here is just another example where the government has not put safeguards in place for rural and northern communities. We know what happened when the family responsibility offices closed. There was chaos across Ontario. I and my staff and other members here can attest to the fact that we spent hours and hours and hours on the phone trying to get to the centralized Family Responsibility Office. It was chaos. We also know what happened when the Ombudsman's offices in various locales in Ontario were shut down.

1710

The government would allow any company or organization to bid on the provision of road safety services, including those from the United States. I don't think that's what we want here in Ontario at all. People travel great distances to get their licences currently, particularly in regard to the G2 licences I spoke about. They were driving from municipality to municipality trying to find an area where the waiting list was maybe only eight months instead of 10; maybe it was nine months instead of 12. Then what happened with this crisis created by the Harris government in terms of those licensing offices was that the list in a location where it was only eight months at one time for the local people now grew to 10 because people from Toronto were coming to Chatham-Kent. They were seeking any relief. They were willing to drive—have someone drive them, in many cases, because they had no licence—because of that lack of respon-

sibility by the government to foresee what was going to happen when this influx of people who needed their G2 licence came about.

The auditor has spoken about privatizing highway maintenance. In his 1999 report, the auditor showed that privatization had not saved any money and may ultimately result in significant increases in the cost of highway maintenance. So there you have it. We have proof, an example from the Provincial Auditor on privatization of highway maintenance. He's very concerned about that. We on this side of the House are concerned about that as well—not only with highway maintenance and its privatization but also within this Bill 137.

I want to speak a bit about the motive of profit. I think it's important that we recognize what is happening here. The government will privatize perhaps any and all interests under the Ministry of Transportation. In terms of road safety, they may privatize all of it. The bill allows for it. The motivation of profit will be strong. It's human nature. We need to protect the people of Ontario from skyrocketing fees or a reduction in services or a combination of both. We need to be sure that this blank cheque that the minister is asking for under Bill 137 is scrutinized and debated here in the House, as it should be and as it will be. We also need to have public hearings on this bill.

I am certain, with the interest that has come to me since the minister's announcements in regard to some of the issues here and having seen the bill, and others have seen the bill, they are very concerned. I think we need to have a committee if the government, with its majority, passes Bill 137—and they'll use that, I'm sure. Government members rarely have the freedom of choice to stand up and vote against bad legislation. So it is highly likely that the government will use its power of numbers on their side and pass Bill 137 at second reading.

Therefore, we must have committee hearings so that the people of Ontario can come and give their opinions about Bill 137. I know they will be strong. I know they will be concerned about those very issues that I have spoken to. They will be concerned about the customer base and the fact that maybe this company will say, "I don't have enough customers here. I can't make a go of it. I'm going to shut down these services. I'm going to reduce them. I'm not going to move to a northern or rural area. I'm not interested in that. I wouldn't mind having a business in one of the bigger cities; I certainly wouldn't mind having one in Toronto, where the walk-by traffic is tremendous, but I'm not really interested in those other areas." There are no safeguards and no guarantees that this wouldn't take place. There are no guarantees whatsoever that this would not take place.

An interesting thing in all of this is the government promotes it to be a very good bill. That's their wont to do. But we read the last line on page 1, "The crown is not liable for any act or failure to act by a delegate." Those are the people who will be delivering this service. The government is saying, "We won't be liable for anything. We're going to privatize, but we don't want to be liable

for what those people might or might not do. We're not interested in that. We're not going to be liable." After Bill 137 passes, if that takes place, they do not want to be liable for the actions of others. This is very worrisome; it is very worrisome indeed.

It's clear in my mind that the government is reacting only to the crisis they had some time ago and their failure to recognize there were going to be huge numbers of people looking for their final licence renewal under the G2 system. The government was told to be prepared. Experts told them; the public told them. I suspect government members' offices were inundated, as was mine. People were really in difficulty maintaining their current licence, having the expiry date appearing soon and not being able to get their licence renewed for up to 10 months. I know those people wrote letters to government members' offices. They must have. I don't know that, but I suspect they did. I know they wrote to my office; I know they wrote to offices of other members of the opposition, because we have had good strong chats about that.

The government is using a cynical attempt to shield itself against the reduction of safety and services that will result from the passage of Bill 137. They're shielding themselves against any reduction in safety and service because it says the government cannot be held liable for any damages that result from any action by a delegate. The action we are concerned about would be reduced services, a lack of services in total or having persons having to drive farther and farther.

The rural communities, I must tell you, are very concerned about the actions of the government to date. They feel disenfranchised. I was in eastern Ontario and the people there were very upset. They felt like the Harris government had abandoned them, left them totally out. They talked about the ag office closures. They said to me, "We needed those offices. They were a vital part of our community. They helped community groups. They helped 4H clubs. They helped the youth." They said, "Isn't it ironic that the government praised the positioning and availability of ag offices when the ice storm occurred?" The government was actually heaping praise on the ag offices and their network, one to the other and to the people of Ontario, when the ice storm occurred. But why would the government praise these offices in such glowing terms and then turn around, collapse them and close them all down?

Interjection: It doesn't make sense.

Mr Hoy: It doesn't make sense. The people didn't understand the government's thinking at all. I don't understand it either. The people would dearly like to have those Ag offices returned to them. They want them back.

1720

The government says one thing and does another. They will say one thing and move on to something else in reality.

As I conclude my remarks, I want to say that Bill 137 will reduce safety on our roads. There are no safeguards, there's no reporting, there are no audits within this bill. It

allows the government to take on any of the powers of the Ministry of Transportation relating to road safety. It's another blank cheque in a series of bills we have seen that allows the government to do whatever it wants by regulation.

Back in 1996, I was reading an article that happened to be written by someone in another country. They were talking about regulation. I found it most interesting because, as you know, with the bully bill of some years ago this government of Mike Harris took on regulatory powers for so many ministers, for so many items. I found this an interesting article. This writer—and I think he was quite correct in all of this—said that when governments take on regulation, they do that because they really don't know where they're going. "We don't know the outcome of this; we don't know where it's headed, but we're going to take regulatory power on to ourselves because we have this idea, we have this notion." In this case, with Bill 137, the notion is bad. They take this regulatory power on to themselves because they really don't know what direction they will be heading. "We'll deal with this in crisis-management style and put in a regulation whenever needed."

We saw that with Walkerton. After the Walkerton incident occurred and so many people died and so many people were so very sick—and some of those people will remain ill and need treatment, I'm told, for the rest of their lives—the ministry came in with some regulations. Let's have it all here in black and white so we can understand it within the bill.

The other reason this writer cited for governments taking on so much regulatory power was they did not want to come back, in our case, to the Legislature. They didn't want to come back here and be accountable for their actions. They didn't want to come back here and explain away any shortcomings. They want to do that behind closed doors without any consultation, without consulting the Legislature and thereby consulting the people. They want to do it behind closed doors. They don't want to debate.

As I say, Bill 137 most definitely should go to committee. Let the people of Ontario have some time to discuss the issues, as I have mentioned, such as road safety, higher fees, reductions in service and many other items within the bill. Whether it will actually save money or not—

Interjections.

Mr Hoy: I hear many members say it won't. The auditor said when it came to privatizing highway maintenance that it may ultimately result in significant increases in the cost of highway maintenance. Under the guise of saving money, the government may actually be moving to a system that is going to be more expensive, more difficult to access in rural and northern communities. It may not exist at all in those communities. We feel strongly that Bill 137 should go to committee, if indeed the government exercises the power it has over there and passes it here at second reading.

With that, I appreciate the opportunity to make these comments. I'm anxious to hear the comments of others. But I have to emphasize how interesting it was that the Minister of Transportation got up and began almost immediately with his conversation about graduated licensing and is now talking about privatizing. I think it's "Create a crisis, bring in a bill," and this is a bad bill.

The Deputy Speaker (Mr Michael A. Brown): Further debate?

Ms Caroline Di Cocco (Sarnia-Lambton): It's a pleasure to be able to add my voice to what I fundamentally disagree with in this Bill 137. Bill 137 is An Act to permit the Minister of Transportation to delegate powers and duties and responsibilities to deliver program services with respect to road user safety to persons in the private sector.

I fundamentally disagree with privatization of this nature because I believe it would be of value to the Harris government to understand that there are areas of public interest that should be protected by government. In other words, there are areas where there is a role for government to play, just as there are areas where government should have an arm's-length relationship and should literally butt out. Of course, I can always talk about Bill 112, the McMichael bill, as one area where government should not have been interfering and micromanaging.

But this bill gives the government a blank cheque to privatize all programs and services that ensure road safety in Ontario, and this privatization of road safety is in keeping with the Harris government's neo-conservative agenda, in my estimation, of privatizing government services. This is one way for the Ontario government to off-load its responsibility and remove its liability as well. It wants to get out of the business of being government, and I guess that's what it said it wanted to do at the very beginning of the 1999 session.

It appears to me that the Harris government knows that if it bleeds to death publicly run services, then these services will be rendered dysfunctional—they can't do their job. This means customer service, then, becomes non-existent; that customer service is jeopardized. Many of you know that the licensing branch of the Ministry of Transportation is in a terrible state. The waiting period and the long distances that people have to travel even to get licences are frustrating people, and of course it needs to be fixed. We have to have a better-managed system, better customer service.

One of the peculiar aspects of the Ministry of Transportation and the services it provides, such as driver testing services, is that the fees paid by individuals to the ministry add up to a significant amount. I understand that it adds up to something like \$920 million. Now, although this is a significant amount of intake from licensing fees and other fees from the Ministry of Transportation, very little of that, obviously, is put back in the system. Therefore, we don't have a well-managed public system that provides good customer service.

After taking office, the government refused to provide driver testing offices with the necessary additional

resources required to administer the new, graduated licensing system passed in 1994. Consequently, driver testing services have been plagued with backlogs. This forces new drivers to wait many months to get an appointment for a test. Of course, the government caved in to the public pressure for more resources last year, but only on a temporary basis. So, after creating this crisis of lack of services, the government wants to hand over the service to the private sector.

This government's agenda is clear: strangle and bleed to death public systems and then privatize. The privatization of universities: same track record. Don't provide the resources to the public system, starve them, and then the answer is that the public system cannot do its job, government can't do its job, therefore privatize. We can expect privatized jails, same thing.

This bill also places a number of what we call Henry VIII clauses. It gives the Harris government powers to do whatever it wants by regulation. I feel it incumbent on me to talk a little bit about what Henry VIII clauses mean, because it shows that there's a fundamental flaw in the process of changing and privatizing all of these services.

1730

I asked the library to give me a definition of a Henry VIII clause and I also asked for some of the background. What I found is that "Henry VIII clause" is the popular name for the clause in a statute that gives government the power to pass a regulation which overrides or alters the terms of the statute itself. So we're going to put in Henry VIII clauses to allow the government to do what it wants without needing public debate. Such a clause attracts the nickname of King Henry VIII because the 16th-century monarch gave himself the power to legislate by proclamation, a power historically associated with his executive autocracy.

Henry VIII clauses are traditionally regarded in parliamentary democracies as undesirable because they empower the cabinet to pass regulations behind closed doors which override statutes passed by the democratically elected Legislature. That's the premise of this discussion.

I'll tell you what the Ontario Court (General Division) stated about this Henry VIII clause. They said, "This power is constitutionally suspect because it confers upon the government the unprotected authority to pull itself up by its own legal bootstraps and override arbitrarily, with no further advice from the Legislative Assembly and no right to be heard by those who may be adversely affected by the change, the very legislative instrument from which the government derives this authority."

That is fundamentally what this bill is all about. One of the first comments by the minister when he spoke to this bill was that it was going to ensure better customer service. The member from Peterborough spoke; he suggested that private business of course provides better customer service. That's not always the case. Take a look at the privatization of Highway 407. That gives you the best example of terrible customer service, but there's an

added clincher to this when you're talking about privatization: there's no accountability. Whom do you go to to complain about bad customer service? You can't go anywhere, because of course the government isn't going to come and step in and help. There's no one there.

Government is mandated to provide services at cost. That's the difference. Instead, private business is interested in making a profit. Sometimes the end of making a profit translates to better customer service, but sometimes it doesn't: the only thing is the bottom line, and you get to the bottom line by undercutting customer service. So the simplistic approach of suggesting that privatization is the be-all and end-all is not the case.

The member from Kingston and the Islands wants to speak on this matter as well, but one of the areas that I am concerned about is road safety. Again, profit levels being the sole motive to provide service, we know that corners are cut. We've seen that in the privatization of utilities in different parts of the world, and that's the case that unfortunately we saw with the Walkerton tragedy. With the privatization and cutting of corners and no real monitoring system, you end up with some huge impact on public safety.

Higher fees: when you want to make a lot of money or if you're in the private sector, you're not going to provide services at cost. You're in the business of making money. Of course that's what's going to happen: we're going to have higher fees. I still would like to know why the fees that have been given to the Ministry of Transportation have not been returned to restore the Ministry of Transportation licensing department to a level where it is providing good customer service.

I have to say that there's a fundamental difference between Mike Harris and his ideologues and Dalton McGuinty and the provincial Liberals. We believe that protecting public safety is the responsibility of government. There is a role that government has to play. It has to fix the problems if there is customer service that's not being provided, but it doesn't do so by just giving it to the private sector. A good society is all about protection of the interests of people in areas of public safety for the sake of the common good. That's the difference between the Harris Conservatives and the provincial Liberals.

The Deputy Speaker: Further debate?

Mr John Gerretsen (Kingston and the Islands): As the people of Ontario can see, the privatization train just rolls on. What did we have today? A statement from the Minister of Correctional Services about the privatization of our jail system. Here we have the privatization of our motor vehicle system. We earlier had privatization in a whole group of other areas. Universities are coming up next, and you could just go on and on.

What I would like to do first of all is respond to some comments that the member for Northumberland made earlier today when he said that privatization in the MTO outsourcing or the maintenance contracts has actually saved money. I would like to disagree with him, and I'm not citing my own words but I'm citing the words of the Provincial Auditor in his report last year.

The Provincial Auditor is an individual who is extremely highly regarded. He's highly regarded by everyone, including the government, because they wanted this individual to either set up a committee or to determine for himself what our salaries should be in here. Of course, rightfully, he rejected that offer. But he's highly regarded by everybody because he's not a spokesman for the opposition, he's not a spokesman for the government; he is a true independent individual who speaks on behalf of the concerns of the Legislative Assembly. He's an officer of the Legislative Assembly.

What did he say in his report last year about the privatization of the highway maintenance contracts? Contrary to what the member for Northumberland said earlier today, he said, "The ministry had not achieved the target savings of 5% on the four outsourcing contracts we reviewed, which covered about 20% of the province's highway system."

He goes on to say, "If all these costs were factored out of the ministry's estimates, outsourcing would result in estimated losses on three out of the four contracts" that have been let out so far. As a matter of fact, he estimated that it is costing the Ministry of Transportation 5% more to privatize the maintenance contracts than what we were paying when the ministry itself was doing its work. That means it's costing you and I some 5% more in dollars and cents to have the work done by private companies than when the ministry did a lot of this work itself.

How anyone can suggest that as a result of that we are better off, that the system is better off, that we're saving more money, is totally beyond me.

While we're on the subject of the Provincial Auditor, we may just remind the people of Ontario once again that tomorrow he will be coming out with his report dealing with the year 2000, in which he's doing a number of value-for-money audits. I'm quite sure that the people of Ontario, as well as the members of this Legislative Assembly, will be extremely interested in what he will have to say tomorrow about how some of these privatization efforts and outsourcing efforts have actually gone in the province of Ontario and whether it is costing us more money, because so far, leaving all the other issues aside, it is costing you and me, the taxpayers of Ontario, more money for the privatization that has taken place within the Ministry of Transportation than we have saved, much more money.

1740

Let me just go on a little bit further. I now refer not to our propaganda or to the government's propaganda, but to the bill itself. I always like to deal with the bill itself and the exact wording that is contained in the bill. It's very interesting that the Minister of Transportation, in his opening press conference, states that he only has immediate plans to privatize the driver testing area. Let me say that in some areas there have been problems in the driver testing areas, where there have been long lineups and everything that's associated with that. There have been some problems. But it's completely open to debate as to why those problems were there. It may very well be that

there weren't enough people administering the driving tests within the government-operated centres. That remains to be seen.

What exactly does the bill say? The bill states, "The minister may enter into an agreement with one or more individuals ..."—let me just get to the relevant section—"relating to road user safety." Nowhere in the act does it define what "road user safety" means. The minister is saying that right now we're only talking about the licensing provisions. But there is absolutely no guarantee that, for example, truck inspections, spot checks of weigh stations, may not be included at some time in the future under some regulations. It doesn't say anything about whether highway inspections and the monitoring and inspection of new highway construction can be included under road user safety. The minister is in the House right now and I hope he will pay attention to some of the comments that I and other members are making.

There is absolutely no guarantee that at some point in time in the future, road user safety cannot include traffic offences, speeding along the highways and other traffic offences. Are we talking somewhere down the line about someone other than the Ontario Provincial Police and the other police authorities in the province checking our highways to make sure that people aren't speeding, to make sure that people are adhering to the Highway Traffic Act sections and provisions? According to my interpretation, this hasn't been rejected by any of the government members. Road user safety—certainly speeding is a road user safety issue; adhering to other highway traffic provisions are road user safety issues. Is the government saying that at some point in the future, by regulation under this act, it could turn over some of the usual highway patrol functions and other police functions on the highways to outsourcing, to privatization?

I know the minister is very cute when he says, "Right now I'm only talking about driver testing." But all of these other provisions can very well happen at some point in time in the future. I have some concerns about that. Unless there is something specifically contained in this act that will prevent any police functions from in effect being taken over by private outsourcing, I will have great difficulty in supporting this or indeed in supporting any kind of privatization effort along these lines.

Let's go on to the next section. What will these delegation agreements allow the private sector to do once an agreement has been entered into with the ministry? I'll just read to you from clause 3(c). It will permit the delegate—in other words, the private contractor—to establish the fees to be charged to the public.

I don't know what that means. Does that mean that, in effect, at some point in time in the future, we can have different rates for the same kind of service across the province of Ontario for driver testing? Will there be different fees charged for the same service in different parts of Ontario? If it doesn't mean that, why is this section even here?

The next section goes on to say that the delegation agreement can, and I again quote directly from the act—grant “the delegate access to and use of specified ministry resources, including information databases.” That basically means to me that a lot of these private sector contract holders will have access to information that presumably, until now, can only be accessed by the government or by other levels of government. I think it’s a very dangerous precedent to set, to allow, in effect, access to government information to the private sector.

I know that the minister will say, “We will completely control what kind of information these private sector delegation agreement holders can have.” But let me just go on and tell you what this section goes on to say.

It says that those individuals who have those delegated powers can have that information “solely for the purpose of exercising or performing the delegated powers, duties or responsibilities.”

I can’t, for the life of me, understand how you can limit somebody, a private sector individual, who has got this information and limit it to the fact that he can only use it for the specific purposes that he has the licence for, which is basically the licensing power that we’re talking about here. Once that private sector individual has that information, there is absolutely no way that there can be any assurances given to the members of the public that that information will only be used for the purposes of administering the licensing requirements and driver testing requirements of individuals in the province of Ontario. Once that information goes to the private sector, there’s absolutely no control that the government or the ministry will have over what happens ultimately to that information. Whereas it’s very pious to say, “It can only be used for driver testing purposes,” there’s absolutely no guarantee that anyone can give in this House whereby the information cannot be used by that private company for other purposes.

Those three areas alone give me great discomfort. Besides the notion that I think that unless it absolutely can be proven that the people of Ontario benefit from privatization in a whole bunch of different ways, I believe that privatization of these kinds of services simply should not happen. We all know that basically what we have government for is to ensure that there are standards in place and to ensure that public safety, whether we’re talking about the water that we drink—and we know what has happened to that situation, and the kind of discomfort that a lot of people feel as a result of what happened in Walkerton just recently and the inquiry that’s currently going on.

The people of Ontario are concerned that their government is no longer interested in the public safety that we all demand from the government in the services that it provides.

Some might say that taking a privatization bill for licensing and somehow equating it to what has been happening in Walkerton may be a stretch, but I say it is all part of the same government program, and that is to get out of as many good public policy areas where the

government has been traditionally involved over the years, and as a result have absolutely no accountability to the general public at a higher cost—that’s the conclusion the Provincial Auditor has so far come to—and with much less accountability and much less assurance for the safety of the general public out there.

1750

The other thing I find interesting is that this talks about higher fees as well. Before I turn to that, let me just turn to another section. Obviously, even the government is a little bit concerned about this and the minister is a little concerned about the use of this. It’s very interesting: there’s a section 4 in this act in which it states, “The minister may amend a delegation agreement without the agreement of the delegate, including by adding limitations, conditions and requirements applicable to the delegation” at any time. That tells me that the government is concerned that in an emergency situation it needs to take all the control and power back, and at that point in time it can basically rewrite the whole contract it has with a private firm.

Why would you need a clause like that in an agreement in which basically you are allowed to act unilaterally if you feel so assured in the processes that are set up that the public is fully protected? You wouldn’t have to put an out clause in there, clawing all the powers back, if the process you’ve set up in the act in the first place is foolproof so that the information these private entrepreneurs get isn’t going to be abused.

I say to this government, I know you are bound on privatizing many of the government services, and we heard it again today in the area of corrections. In our provincial jails there’s going to be massive privatization. I think the people of Ontario are saying, “Enough is enough.” They don’t want any more of this kind of privatization, especially since in the only areas where privatization has taken place so far an independent voice, namely the Provincial Auditor, clearly showed in his report of last year that in fact it is costing taxpayers, the people of Ontario, more money with a lot less accountability, as a matter of fact with no accountability in some cases.

There are many concerns about this bill. Yes, we want public hearings, but we want something even better than that, and that is for the government to withdraw this bill and to fix the system the way it exists right now. In my own community, 25 people who currently work at the Ministry of Transportation area office in Kingston, who are involved in the licensing area, will in effect be unemployed. Yes, some of them may be re-employed with the new private sector firm at a much lower salary, because that basically is the whole name of the game when you get to privatization in this area. It’s to drive the wages down so that a private entrepreneur can pocket some profit.

Let me make it crystal clear: I have nothing against the profit motive. It’s a good, fundamental way in which our society has operated for the last 200 years. “Profit” is not a dirty word as far as I’m concerned. But when the profit

is made on the backs of the people of Ontario, and when we are losing the aspect of accountability, and when we are paying more as taxpayers, then I say there's something totally and drastically wrong with that.

I look forward to the comments of the minister. I would like to have him state categorically in this House that not only is it not his intent, but that it is not possible in this bill, for example, to have the policing of our highways turned over to a private concern. Certainly my reading of this act, that it deals with road user safety, is broad enough to deal not only with the licensing provisions, not only with the inspection provisions, but also potentially with the policing of our highways to make sure that those roads are being used safely. That could include everything from following the rules of the road as set out in the Highway Traffic Act to speeding and many other activities as well.

The point that I will leave this debate on deals with the smaller rural and northern Ontario communities. There's no question that in the privatization game everybody loves to corner those markets where there's an awful lot of money to be made, particularly in large urban areas. It reminds me a little bit about when this whole gambit started a number of years ago about the potential privatization of our liquor stores. Everybody wanted to get the big liquor store for the big dollars to be made. Well, it's the same thing with respect to this area. What will it do to our smaller communities? What will it do to our northern Ontario communities? Who is going to want to take over a private contract where you may only have a few customers per week or per day? We know, you

know and I know, that basically the smaller communities rely on good government services not because it was a profitable operation in particular municipalities, no, but because governments in the past had thought and were of the belief that those services were an absolute necessity to those communities, and that's why they were there. When you privatize a service like this, that notion is gone, and that means that those individuals will have to travel long distances to the large urban areas where obviously it may very well be profitable for the private entrepreneurs.

The other thing, of course, that it will lead to is higher fees, and we've already seen that with the privatization of Highway 407. The fees that are being charged are much higher now than the fees that were contemplated when the agreements were first signed. As a matter of fact, the fees went up by something by like 25% to 30% just in the last rate hike. There's absolutely nothing in this bill that will prevent that from happening. As I've already indicated, the private entrepreneur in this particular case would appear to have the ability to, in effect, set their own fees, and that is scary. Again, I read from section 3(c). It says it permits "the delegate to establish fees to be charged to the public." Why is this necessary? Why have you even got this in here if you didn't mean it?

I say to the government, withdraw this bill. The people of Ontario will not benefit from it.

The Deputy Speaker: It being 6 of the clock, this House stands adjourned until 6:45.

The House adjourned at 1758.

Evening meeting reported in volume B.

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		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Règlements et projets de loi privés**

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Frances Lankin, Bill Murdoch
Clerk / Greffier: Douglas Arnott

CONTENTS

Monday 20 November 2000

MEMBERS' STATEMENTS

Social housing	
Mr Caplan	5555
Paralympics	
Mr Coburn.....	5555
Mr Galt.....	5556
Children's services	
Mr Cleary	5555
London Police Service	
Mr Mazzilli	5556
Comments of Canadian Alliance candidate	
Mr Phillips	5556
Restraint of hospital patients	
Ms Lankin	5556
Child poverty	
Mrs Dombrowsky.....	5557
Dialysis	
Ms Mushinski.....	5557

REPORTS BY COMMITTEES

Standing committee on estimates	
The Speaker.....	5557
Report deemed received.....	5557
The Speaker.....	5557
Report deemed received.....	5557
Standing committee on justice and social policy	
Ms Mushinski.....	5558
Report adopted	5558

FIRST READINGS

Corrections Accountability Act, 2000, Bill 144, <i>Mr Sampson</i>	
Agreed to.....	5558

MOTIONS

House sittings	
Mr Klees.....	5558
Agreed to	5558
Private members' public business	
Mr Klees.....	5559
Agreed to.....	5559

STATEMENTS BY THE MINISTRY AND RESPONSES

Correctional services	
Mr Sampson	5559
Mr Levac.....	5561
Mr Kormos.....	5562

Children's services

Mrs Marland	5560
Mrs Dombrowsky	5562
Ms Martel	5563

ORAL QUESTIONS

Health care

Mr McGuinty	5563
Mrs Witmer.....	5563, 5565
Ms Lankin	5565

Child poverty

Mr McGuinty	5564
Mrs Marland	5564, 5566
Ms Martel	5566

Ipperwash Provincial Park

Mr Phillips	5567
Mr Flaherty	5567

Meat inspection

Mr O'Toole.....	5568
Mr Hardeman.....	5568
Mr Duncan.....	5568

Community safety

Mr Coburn	5569
Mr Tsubouchi	5569

Property taxation

Mr Christopherson.....	5570
Mr Eves	5570

School extracurricular activities

Mr McGuinty	5570
Mrs Ecker	5571

Education labour dispute

Mr Chudleigh.....	5571
Mr Stockwell	5571

Labour legislation

Mr Patten	5572
Mr Stockwell	5572

PETITIONS

Northern health travel grant

Mr Bartolucci.....	5572
Mr Gravelle.....	5575
Mrs McLeod	5575

Parental leave

Ms Martel	5573
-----------------	------

Health care funding

Mr Clark	5573
----------------	------

Camping

Mr Gravelle.....	5573
------------------	------

Services for the developmentally disabled

Mr Crozier	5574
Mr Hoy	5574

Protection of minors

Mr Gill	5574
---------------	------

Property taxation

Mr Ramsay	5574
-----------------	------

Pension indexation

Mr Ruprecht	5574
-------------------	------

Doctor shortage

Mr Bradley	5575
------------------	------

Education reform

Mr Ruprecht	5575
-------------------	------

SECOND READINGS

Road User Customer Service

Improvement Act, 2000, Bill 137, <i>Mr Turnbull</i>	
Mr Turnbull.....	5576
Mr Hastings.....	5577, 5585
Mr Stewart.....	5578
Mr Galt.....	5579
Mr Kormos.....	5584
Mr Clark.....	5584
Mr Bradley	5584
Mr Hoy	5585
Ms Di Cocco	5588
Mr Gerretsen	5589
Debate deemed adjourned.....	5592

OTHER BUSINESS

Visitors

The Speaker.....	5563
------------------	------

TABLE DES MATIÈRES

Lundi 20 novembre 2000

PREMIÈRE LECTURE

Loi de 2000 sur la responsabilisation en matière de services correctionnels, projet de loi 144, <i>M. Sampson</i>	
Adoptée	5558

DEUXIÈME LECTURE

Loi de 2000 sur l'amélioration des services offerts aux usagers de la route, projet de loi 137, <i>M. Turnbull</i>	
Débat présumé ajourné.....	5592

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of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 20 November 2000

Lundi 20 novembre 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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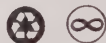
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 20 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 20 novembre 2000

The House met at 1845.

ORDERS OF THE DAY

CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000

LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS

Mr Young, on behalf of Mr Eves, moved second reading of the following bill:

Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

The Deputy Speaker (Mr Michael A. Brown): The member for Willowdale.

Mr David Young (Willowdale): At the outset, I'd like to inform the House that I will be sharing my time with Mr Coburn, the member from Ottawa-Orléans, as well as Mr Dunlop, the member from Simcoe North.

As we discuss the issue of property tax, I think it's important to understand the context in which we are embarking upon this endeavour. One isn't overstating the matter to say that for literally generations in this province, governments of all political stripes, be they New Democrats, Liberals or Conservatives, publicly acknowledged that there were some very serious inequities in the property tax system and that they were simply unacceptable.

Government after government went so far as to commission reports on the property tax system in this province, and over the past three decades we in this building have seen virtually every major report that was commissioned come back and confirm that the implementation of a value-based assessment system was essential. The reports, Mr Speaker, as I'm sure you recall, include the Smith committee report that came back in 1967. The Blair commission reported in 1976, followed by the Goyette report in 1985. We had the GTA task force in 1995 and of course the Who Does What panel in 1996.

Our government promised to correct these inequities, and for our government a promise is a promise kept. That is why during the last term of office our government

came forward with legislation initially introduced in 1997, legislation that was based, if I may add, upon an internationally recognized assessment valuation standard, legislation that set a standard that was modified to reflect the needs of this province and legislation that was intended to, and in fact did, redress a tax system that was in some municipalities so out of date, it was in fact based on assessments conducted 60 years ago.

The province has held extensive consultations over the last four or five years on this issue. Certainly at times it has been a very controversial issue. That is why, as I stand in the Legislature today, I'm proud to say to you that leading up to the introduction of this bill, we at the Ministry of Finance and my colleagues at the Ministry of Municipal Affairs and Housing have conducted literally dozens, if not hundreds, of meetings with various stakeholders in order to ensure the bill reflected the concerns and the realities that were there and dealt with by our partners on a daily basis.

I'll provide at this time a very brief list that certainly isn't exhaustive, but does reflect the scope of the consultations that were conducted. They include consultations with the Association of Municipalities of Ontario, the Municipal Financial Officers' Association of Ontario, the Association of Municipal Managers, Clerks and Treasurers of Ontario, the Association of Municipal Tax Collectors of Ontario, Ontario Property Tax Assessment Corp and, as I say, more municipalities than time would permit me to review, but they include the city of Toronto, the city of Mississauga, London, Ottawa, Hamilton, Sudbury, Cobourg, representatives from York region, representatives from the region of Peel, Wellington county, and the list goes on and on.

At the same time, in order to ensure that the bill reflected the delicate balance that is essential to ensure that municipalities have the funds to operate and, at the same time, businesses are not smothered by reason of excessive and exorbitant tax increases, we also conferred with numerous representatives of the business sector. These included the Canadian Federation of Independent Business, the Ontario Chamber of Commerce, the Toronto Board of Trade, the Urban Development Institute, the Fair Rental Policy Organization, natural gas distributors, airport authorities, power dam owners, charitable associations, farm associations, and the list goes on and on.

1850

The proposed legislation, what we're here to talk about this evening, will continue our ongoing commit-

ment to restore fairness to the property tax system. I pause to say that this cannot be accomplished in one day, but it is necessary. The legislation reflects the fact that this must be done over a manageable period of time and through a system that respects the needs and concerns of Ontario's stakeholders.

The new property tax system is based on a principle of property tax fairness. Property owners who own similar properties of similar value in the same community will pay the same taxes. Of course, before the introduction of the first bill that this government brought forward some three or four years ago, there were hundreds, thousands of examples across the province of similar homes on the same street or in similar neighbourhoods in the same municipalities paying markedly different taxes. There really was no good reason for that to continue, other than the fact that to change that would have inevitably meant some considerable disruption to the status quo, a status quo that was inequitable, and would have probably had some political downside or deficit or danger. But it was the right thing to do, and it is what we did.

The new property tax system is one that provides ongoing protection for businesses and will ensure a manageable transition to current value assessment. I mentioned earlier that this wasn't arrived at overnight; it was arrived at after extensive consultations with our partners, both municipal partners and business associations.

The province is making property tax easier, and I think it's important to stress that at this juncture. The province is making the property tax system easier for municipalities to administer by simplifying the limits and basing them on the previous year's taxes, not the pre-1997 taxes. That point came up time and time again in our consultation with our municipal partners. The necessity for them previously to utilize the frozen value assessment made their job very difficult. We as a government listened, we as a government heard and we as a government have acted to make the system easier, to make the system fairer and to ensure that our municipal partners can do their job in a more expeditious manner.

The province will also maximize municipal flexibility to flow through tax decreases by providing municipalities flexible financing to achieve the limits. Business tax increases will be limited to 5% annually. However, municipalities would still have flexibility in meeting the 5% threshold.

This act, if passed by our Legislature, would implement the 1999 budget commitment made by this government to continue limits on property tax increases beyond the year 2000 and to provide municipalities with tax mitigation tools. If passed by the Legislature, the Continued Protection for Property Taxpayers Act would implement the following measures for the year 2001.

It would require municipalities to limit the reform-related tax increases on commercial, industrial and multi-residential properties to 5% per year. The proposed legislation would also give Toronto the option of maintaining its current limit of 2.5% per year. In fact, they would

have the option of doing that each and every year. They have that special status because they previously chose—in fact, were the only municipality across the province—to avail themselves of that opportunity. We have allowed, in this legislation, for them to continue to utilize that tool, should they so desire.

The legislation, in addition, will enable municipalities to use a wide range of tools to achieve limits on tax increases, tools that would include a simplified capping mechanism, optional property taxes, graduated tax increases, simplified phase-in formulas and more flexible financing options. The legislation would require landlords to maintain limits on tax increases for business tenants where the limits previously applied.

It would continue to protect low-income seniors and disabled homeowners by requiring municipalities to provide relief from tax increases, and it would continue to protect charities through a mandatory rebate program.

This act would also implement a new, real-time approach to the taxation of vacant business property, new treatment for power dams and it would make various technical amendments to the Assessment Act and the Municipal Act to improve the equity and the administrative effectiveness of the property tax system across this province.

In 1998, the province imposed mandatory limits on reform-related property tax increases. You will recall that the first year a limit of 10%—that was for the year 1998—was applied, 5% in 1999 and in the third year of that three-year package a further 5% limit was in place, and that was for the year 2000. Without this legislation that we tabled last week and this day, to continue the limits, properties would be taxed based on their full current value assessment in 2001.

In the 1999 budget, we committed to ensuring that all existing tax protection tools would be available to municipalities after 2000. We also committed to those in this province that the current business tax limits would continue in effect every year until tax fairness is fully achieved.

If this legislation is passed, all municipalities would be subject to the 5% limit and, as I say, the only exception would be the 2.5% limit that would be in place for the city of Toronto, should they care to utilize that limit. We are introducing this bill now so that municipalities and taxpayers will have full knowledge of the system that will be in place after the current caps expire at the end of the year. By introducing legislation this fall, municipalities should be in a position to do their tax impact analysis and to make policy decisions in a timely way without delaying the issuance of tax bills for the year 2001.

Our government remains committed to its property tax reform effort and to the implementation of current value assessment. The limits on tax increases are necessary and are essential to ensure a fair and manageable system will be in place to allow for the transition that I described earlier from a badly outdated assessment system to the new CVA system.

Property tax reform is proceeding on track, and the government is pleased with the progress that has been made to date. The legislation is designed to respect differences among municipalities, regardless of where they are on the road toward CVA. It should be noted that municipalities across this province are at different points along that road. There are some municipalities, like the municipality of Halton, which are very close to achieving CVA. There are others, which include the city of Toronto and the municipality in Hamilton, which have a long way to travel down that road. But when individual properties reach their CVA destination, they will no longer, pursuant to this legislation, be subject to the limit.

The 5% limit, or the 2.5% limit if Toronto chooses to go that way, would extend to business tenants as well as to business properties. The limit would only apply to tenants that were subject to the 2.5% or the 10%-5%-5%; that is, the limits would only apply to tenants who occupied the premises before December 31, 1997. Tenants who entered into leases after that date would have had the knowledge of the new property tax system and presumably would have negotiated their tax apportionment terms, those of their lease, with their landlords with the knowledge of the impact of that reform. The tenant limits are designed to protect tenants who negotiated leases prior to the reform without interfering with the new leases that I just described.

The government agrees that business property taxes are too high. We have said that on numerous occasions. The Premier has said it; the Deputy Premier has said it; and I say yet again this evening that property taxes for businesses across this province are by and large too high. That is why we committed to education tax cuts for business property classes. In the 1998 budget, the government introduced an eight-year, \$500-million business education tax reduction to bring business education tax rates down to the provincial average. The cut was to be implemented at a rate of about \$65 million each and every year. The province has announced that it will be accelerating the business education tax cuts so that in the year 2001, instead of it simply being \$65 million, it will be \$130 million. We're doubling it for next year. That will bring the total to \$325 million for the year 2001.

1900

It's important to note as well that we have said clearly and repeatedly to municipalities that if they have above-average rates and wish to reduce their own portion of business taxes, the government will match those cuts. We'll match them dollar for dollar through an accelerated business education tax reduction. There have been some municipalities that have availed themselves of that opportunity.

I also wish to point out that this legislation would add a further measure to bring down high business taxes relative to residential taxes. Municipalities would not be permitted to impose levy increases above the 5% limit on business property taxes if the tax ratio of the class relative to the residential tax ratio is above the prescribed threshold ratio. If the legislation is passed, the threshold

ratios would be set at the provincial average. The province is not forcing municipalities to increase residential taxes. We are not forcing municipalities to increase taxes for homeowners. There is nothing in our legislation—nothing whatsoever—that does this. The decision to raise taxes is clearly a municipal one. It is in the hands of our municipal partners, but there is nothing in this legislation that will require a municipality to do so.

In terms of the reassessment, if there are tax changes among residential properties, this bill gives municipalities a number of tools or mechanisms to address them in a fair and manageable way. Municipalities can choose to phase in tax changes over a period of up to eight years. Municipalities also have the prerogative to provide tax relief. In fact, they have the obligation to provide tax relief to seniors and to disabled homeowners who face tax increases as a result of reassessment.

Because of some of the local media dealing with the issue of property tax reassessment, I feel obliged to take a moment to talk about the fact that a higher property tax assessment does not mean a higher property tax bill. We fully expect that municipalities will do the right thing and reduce their tax mill rates appropriately where average property values have increased so ratepayers are not burdened by higher taxes. If any municipality fails to lower its local tax rate as a result of an average increase in property values, then they are consciously passing on a tax increase to their ratepayers. This would be a local decision, a decision of the municipal council, not a decision of the provincial government. Our government is committed to lowering the tax burden on hard-working Ontarians. That is why we are cutting the education portion of property tax, and we have set that commitment out time and time again.

We are also committed to a more transparent and accountable property tax system in the province of Ontario. Beginning next year, property tax bills across this province will be uniform. They will clearly show how the taxes for an individual property taxpayer are calculated, and they will clearly show how and why any changes in the amount of taxes paid are arrived at. Many residential properties are already at their current value assessment level. Reassessment should not translate into a tax increase for property taxpayers.

I mentioned earlier, and I think it's worth reiterating, that this government undertook this very difficult task, the task of reforming an outdated, antiquated and inequitable property tax system. We undertook this monumental endeavour because we knew that it had to be done. We knew it was the right thing to do. We also knew that these changes couldn't be made overnight. Assessments in many municipalities hadn't been considered for in excess of half a century. The problems that developed took 50 or 60 years in some cases to develop. Clearly they could not have been redressed overnight.

It is this government that had the courage to reform the property tax system, a system that was grossly out of date and was very unfair. Many taxpayers in similar

situations with similar properties were paying very different taxes in the same municipality, and they were facing whopping tax increases. I mentioned earlier that some of our municipal partners have made great inroads toward reaching the CVA level that we're all striving to arrive at. Municipalities like Muskoka district, Halton region, Hastings county, Huron county and Niagara region conducted their own reassessments back in 1995 and 1996 using a 1992 base year. Those municipalities are well on their way to achieving CVA. But municipalities like Toronto, Hamilton-Wentworth, Peel region, Durham region and York region in some cases were operating with assessment bases that dated back as far as 1940. The province is implementing reform in a careful, staged approach, a balanced approach, at each stage balancing the interests of municipalities, business taxpayers and residential taxpayers.

The new limit that is contemplated in this legislation was designed to improve the ease of administration. For 2001 and for future years municipalities will not be required to maintain a frozen assessment listing, and they will not be required to calculate tax changes in relation to each property's pre-reform 1997 taxes. The new limit would be calculated each year based on the taxes paid in the preceding year. We will be working with municipalities to address administration and implementation issues that may arise. We've made that commitment previously and I reiterate it this evening. The province is working closely with our municipal partners to simplify the tax administration process across this province.

The results of this co-operative effort include a better system through uniform tax bills that will be forthcoming to communicate changes, education and training sessions for our municipal partners and analyzing municipal tax policy options.

Any shifts in value resulting from the 2001 reassessment would not have an impact on the 5% limit. The limit represents an allowable tax increase on a property as it moves toward taxation based on its current value assessment. The limit applies when CVA taxes are more than 5% higher than existing taxes. The new assessed values would be relevant to the calculation of a property's CVA taxes, and that would determine whether the property's taxes are increasing or decreasing. It is important to note that a reassessment is not the only factor affecting taxes for an individual property. A municipality's tax policy decisions, in other words, what rate is applied and whether or not they use a phase-in, play a fundamental role in determining the taxes levied on property. The provincial limit of 5% on tax increases on commercial, industrial and multi-residential properties is also a key determination of taxes.

In conclusion, we've come a long way over the last few years toward tax fairness. In 1998 our government reformed the property tax system across the province and introduced current value assessment. Prior to reform, property taxes across this province could properly be described as a patchwork, a system that was cumbersome to administer and difficult, if not impossible, for tax-

payers to understand. Many municipalities had chosen not to update their property tax assessments, with the result, as I indicated earlier, that some were based on calculations that were 25, 35, 40, 50 and 60 years out of date. Outdated assessments resulted in similar properties in the same municipalities paying very different taxes, and that was simply unfair.

With this proposed legislation, we are confident that we will move forward to attain our ultimate goal of treating all property taxpayers in a fair and respectful manner.

The Deputy Speaker: Further debate?

Hon Frank Klees (Minister without Portfolio): Mr Speaker, I move adjournment of the debate.

The Deputy Speaker: Is it the pleasure of the House that the motion carry? Carried.

1910

Hon Mr Klees: Mr Speaker, I would like unanimous consent to now move a motion regarding back-to-school legislation for Hamilton-Wentworth.

The Deputy Speaker: Is there unanimous consent? Agreed.

Hon Mr Klees: I'm seeking unanimous consent to now revert to introduction of bills to allow the introduction of the appropriate labour legislation; and

That the House immediately proceed to second reading debate for the remainder of the evening, time being divided equally among the three caucuses; and

That at the end of the evening the question on second reading be put; and,

That at the end of tomorrow's debate the final vote for third reading be put.

The Deputy Speaker: Mr Klees has asked for unanimous consent to revert to introduction of bills to allow the introduction of the appropriate labour legislation; and

That the House immediately proceed to second reading debate for the remainder of the evening, time being divided equally among the three caucuses; and

That at the end of the evening the question on second reading be put.

Is there something further to that? That's fine?

Do we have unanimous consent? Agreed.

INTRODUCTION OF BILLS

BACK TO SCHOOL ACT
(HAMILTON-WENTWORTH
DISTRICT SCHOOL BOARD), 2000

LOI DE 2000 SUR LE RETOUR
À L'ÉCOLE (HAMILTON-WENTWORTH
DISTRICT SCHOOL BOARD)

Mrs Ecker, on behalf of Mr Stockwell, moved first reading of the following bill:

Bill 145, An Act to resolve a labour dispute between the Elementary Teachers' Federation of Ontario and the Hamilton-Wentworth District School Board / Projet de loi 145, Loi visant à régler le conflit de travail opposant la fédération appelée Elementary Teachers' Federation of Ontario et le conseil scolaire de district appelé Hamilton-Wentworth District School Board.

The Deputy Speaker (Mr Michael A. Brown): Is it the pleasure of the House that the motion carry? Carried.

Does the minister wish to make a short statement?

Hon Janet Ecker (Minister of Education): I think the two parties in the dispute have attempted to come to an agreement. They cannot, from all the reports we have received. We've received an advisement from the Education Relations Commission that the school year for these children could be in jeopardy, so we feel this is the appropriate and prudent step for the government to take.

ORDERS OF THE DAY

BACK TO SCHOOL ACT (HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD), 2000

LOI DE 2000 SUR LE RETOUR À L'ÉCOLE (HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD)

Mrs Ecker, on behalf of Mr Stockwell, moved second reading of the following bill:

Bill 145, An Act to resolve a labour dispute between the Elementary Teachers' Federation of Ontario and the Hamilton-Wentworth District School Board / Projet de loi 145, Loi visant à régler le conflit de travail opposant la fédération appelée Elementary Teachers' Federation of Ontario et le conseil scolaire de district appelé Hamilton-Wentworth District School Board.

The Deputy Speaker: (Mr Michael A. Brown): Minister.

Hon Janet Ecker (Minister of Education): Thank you very much, Mr Speaker, for allowing us to move forward with this. I will be speaking for some time. Another speaker from my caucus may wish to share the time. I believe the MPP for Stoney Creek will also wish to say a few words on this important piece of legislation.

I'm very pleased to participate in this debate on the proposed Back to School Act. The purpose of this bill is quite simply to get 40,000 public elementary students in Hamilton-Wentworth back in their classrooms and to do that as quickly as we can. If the bill is approved by this Legislature, the students can be back in class the first day after royal assent, and it will certainly be none too soon for many of the parents who have been wrestling with this situation for many, many days now.

Like the parents, the government does not want our children's education disrupted because of disputes between school boards and unions. We do want the children

in school, to be able to learn, to grow, to be taught and guided by their teachers. That's certainly what the parents have said to us very, very clearly. We want students to benefit from our very challenging new curriculum and from the assurance of quality provided by the province-wide standards that we've enacted in a whole range of areas.

We believe that elementary students in Hamilton have had their education interrupted—disrupted—long enough and we have given, we believe, the school board and the teachers' union in this case time enough to try and achieve a mutually acceptable negotiated settlement. The priority now is clearly to get these children back in school.

I had the privilege of meeting with representatives of the parents in this community last week. They had arranged to come and meet me through the efforts of my colleague from Stoney Creek, Mr Clark. We've had many, many calls from parents both in my office and Mr Clark's office expressing their concerns and their views about this and they've been pushing very hard. Actually, I must say that the parents have been very careful about saying they don't want to take sides. They know there are important issues here at stake but their bottom line, and as you would expect their bottom line to be, is that their children need to be back in school. Enough is enough as far as they are concerned.

We certainly respect that there is a collective bargaining process here. That is important. As I've said many times over the last couple of days, a locally arrived at solution, a collective agreement that has been arrived at between the union and the school board is certainly the preferable option here, as it is in any of these circumstances. But at a certain point, at a certain time, I think the needs of the children must clearly be the first and the foremost priority. That's why we have taken this step today and why we've moved forward on many of the other reforms we are implementing within the education system.

For the benefit of the parents who may be listening to this, I'd like to outline some of those keys areas. I think it is important when we see the sort of disruptions that do occur sometimes during this process that parents need to know that there is a bigger, broader picture here that is about quality education—a broader picture that is aimed at providing our children with an education that has better quality, that has more accountability to parents, to taxpayers, to students, and that quite simply is dedicated to improving student achievement. That is indeed what we are attempting to do with many of the reforms we promised both in 1995 and again in 1999.

We have accomplished, I believe, a great deal. There's no question that there is a lot more to be done but there are many accomplishments that we can point to, and do so, to remind everyone of how far we have come in these quality reforms.

For example, we now have a more equitable and fairer level of funding for all school boards across the province. It's funding that is based on the enrolment needs of

students, on the number of students a board has, rather than on the tax base of local communities. I think, as many people will recall, that the way education was funded before, to use the common term in the federal election when they're talking about health care all the time—the media keeps using the term “two-tier”—in effect we had a two-tier education system in Ontario. If you were lucky enough to be born in a community that had a very rich tax base, you could have a school board that could raise taxes, get a lot of revenue, spend a lot of money on your education. But if you were unlucky enough to be a child born in a poor tax assessment area, the school board would not have the ability to raise appropriate funds for your education.

Not only this government, but many, many other parties and reports have indicated that this was unfair, and so we have established a funding mechanism, a funding support for boards, that is more equitable, that does reflect the unique needs of boards, that does reflect the enrolment needs of boards. This is something that is in place now and has had some very, very important positive changes. For example, we're starting to see more of the money in education going into classrooms. That was the clear priority that parents wanted to see. It's a clear priority that we have set as a government. For example, this year, classroom funding is projected to account for more than 65% of the operating funding of the school system. So we're starting to see that shift and, again, it's a good thing, but more work clearly needs to be done.

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We've increased classroom spending, but we've defined and protected it, too. One of the things that many parents, students and teachers had complained about was that as the cost of education was going up and as education property taxes were going up, teachers in the classroom were not seeing the equivalent increase in resources for them and their important work. So we have defined, protected and increased classroom spending. There is actually, through the accurate figures and numbers that we put out, some \$700 million more today, this school year, than was there in 1997. That's a very important improvement and change that has been made.

What we are asking all of our education partners, the school boards, to do is to live within their budget, live within their means, as you and I and all of the folks who may be watching tonight—all of those parents in Hamilton-Wentworth—do in our daily lives: set priorities so we can live within our means. We have enhanced education, enhanced classroom spending, spending more on education than has been spent before, but we do request that our school boards live within their means and their budget.

This particular board, the union that represents these particular teachers, is being asked to do no more or no less than all of the other school boards across the province and to come to a fair collective agreement, which of course, as I've noted, they have been unable to do. That's why we are taking this step.

One of the other improvements and changes, the quality reforms that we have moved forward with, is to make sure that the focus of the system and of education is always on higher student achievement, so we have a stronger focus on teaching and learning—things like the new curriculum that has been brought in. It's more challenging, it's more rigorous and it is requiring our students to learn more in earlier grades. The reason it is doing that is because that is the knowledge, those are the skills and the abilities that our young people need in order to succeed, not only in high school or in the next grade, but also in whatever their destination may be—college, university, workplace, trade, apprenticeship. Whatever their location or destination is when they leave high school, we have to make sure that the curriculum will support that, and this new curriculum does. Frankly, because it is a more rigorous and more challenging curriculum, that has made it all the more important that the government take this step to legislate the teachers back to end the board's lockout so that the students can be in the classroom to get the help they need on learning this new curriculum. That's another important change that's dedicated to better quality, more accountability and increasing student achievement.

But having that new curriculum on its own is not going to help if we can't ensure that not only are our teachers excellent and committed—of which we all know there are many thousands out there—they have to be able to teach it to the best of their ability, and our students have to be able to learn it to the best of their ability. We assess that to see if we are meeting that standard. We are starting to do that through regular standardized tests, regular assessments of basic skills, so that we can identify if there are problems and find out where those problems are, why those problems are there and take steps to deal with them. Standardized testing is very much part of the quality reforms we brought forward for accountability and for a better focus on increased student achievement.

As I said, the job is not done, but we know there has been significant progress. We know that through the work of many hundreds of people who have been part of the curriculum and the standardized testing process we are making progress. To continue that job and to keep doing what we know we need to do in the community of Hamilton-Wentworth, we need to get the students back into school.

It's also important to acknowledge that we need to be fair to the parties involved in the labour dispute: the school board and the teachers' union. I believe that this legislation—and we've certainly written it to accomplish this—would provide a fair and balanced approach for the two parties.

First of all, and of course the primary priority, the thing that parents see as the most important priority at the moment, is to get our children back in their classrooms. This legislation, if passed, will do that very, very quickly.

This legislation will also help the school board take the appropriate steps to ensure that the curriculum requirements for our students are met during the balance of

the school year. For many parents that has certainly been the concern they have been expressing, that they want to make sure their students are not left behind because of this disruption. That would indeed be unfair to those students. So what the legislation proposes to do is to clearly state that the three days currently scheduled as professional activity days would be changed to instructional days for the students, to take a first step to do this, to help the students get the curriculum they may have missed because of the disruption. It also gives the board and the teachers' union options that will allow them to reach a fair settlement without further resort to sanctions that hurt kids.

I think it's important to take a quick look at the history of this dispute over the last couple of months. As I said earlier, we continue to believe that the best way to resolve labour issues such as this is through locally negotiated solutions without government intervention so that the two bodies can come to a fair agreement within the policy, the legislative standards, the framework that the provincial government has set and continues to set. I might say, because I know periodically our critics express concerns about that, that provincial governments have certainly had the legislative responsibility, indeed the constitutional responsibility, to set province-wide educational standards, and that is something we promised the voters we would do and we are indeed doing. School boards, as the deliverers of education, are requested to live within that policy framework and, as I said earlier, of course within their means, within their budgets.

Yes, locally negotiated solutions are extremely important. Many boards and unions are indeed reaching these agreements across the province, and we believe that there have been sufficient resources put forward for the parties to reach a fair settlement. But it's very clear that the Hamilton-Wentworth District School Board and the elementary teachers' union in this case have not been able to achieve that local settlement, and that the effect on students has of course reached the point where action must be taken.

The Hamilton-Wentworth board, it is worth noting, has reached a settlement with its secondary teachers, its high school teachers. It is, again, important to note that across the province approximately half of the teachers' bargaining units already have contracts or are in the process of ratifying contracts as they go through this process.

In Hamilton-Wentworth, this board and its elementary teachers have been in contract negotiations since the spring of this year, so this step that the government is taking is not legislation that has been hasty or precipitated in the step we're taking today. Both parties have had ample time to work out the difficulties and disagreements that they may well have had at the table, formally and informally, and of course that has indeed not been the case.

The provincial government has certainly attempted to assist in this. The Ministry of Labour has tried to help the parties come to a settlement. In addition to conciliation

assistance, there's been a mediator appointed by the minister and the mediator has met with the parties on five days—October 25, October 29, November 6, November 7 and November 11—but despite the efforts of the mediator, despite all of this, the parties, in the mediator's view, for example, are still too far apart and no resolution has been in sight.

On October 31, in response to the announcement of the local elementary teachers' union of plans for rotating strikes—because, again, as many people will know, the local union decided to do rotating strikes from school to school—the school board's view was that they could not manage this in a way that provided appropriate supervision and safety for children. So the school board's response was to actually have a lockout of the teachers that affected some 116 schools. Here we are now in the fourth week in which 40,000 children have not been in school, a very serious circumstance indeed.

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I think contract negotiations between teachers and school boards are very important, because both boards and the teacher federations are key education partners in our agenda for quality education, for having a system that does indeed focus on improved student achievement and is more accountable to all of its key stakeholders, parents and students. They indeed have been key partners. I have met continually, and my staff have met, with all of these partners. I will continue to do that because I certainly see that, one, as part of my job as the minister but, secondly, as the best way to get advice and input about how to do the things we, as a government, did promise to the voters we would do in improving the quality and accountability in the education system. They are key partners, and collective bargaining contract negotiations are an important step.

We want teachers and school boards to be able to negotiate fair and reasonable contracts without disruption to students and the classroom. While we know there are important issues at the table, there are things that boards or a union will fight very hard for, and that is certainly their role in this case. Many of those issues can be very important issues and can have a major impact on the teacher's job, the kind of job the teacher can do, on the students' learning circumstances, in many cases on the board's ability to finance certain programs, how much they want to use classroom resources for teacher resources. Those are important issues, but despite the importance of those issues, I continue to state to all of our education partners that I do not believe any of those issues are sufficient to justify disruption in a child's education.

We continue to work and meet with our partners to find ways around the problems, to find solutions to resolve these various issues at whatever table we can do that. As the media may well have reported in your community, Mr Speaker, I had a very good meeting on Friday with representatives of all of our key education partners, both provincial associations that represent parent groups, for example, in the public, the Catholic and

francophone systems, that represent school board trustees, board officials, the teacher federations, to talk about a number of the issues we still have to resolve.

It was unfortunate, however, that the Ontario Teachers' Federation, which of course is the province-wide association, if you will, that has been structured to represent the different teacher unions and to speak on behalf of teachers in Ontario—and it was quite disappointing not only for myself but also for the other partners who had taken the time to participate in this meeting that they chose to attend, but not to participate. It was unfortunate because the mood in that room was that they wished to work together to resolve some of the issues we are facing. There were a number of excellent recommendations, suggestions and policy options that many of the groups had worked on and put forward for consideration. It was unfortunate that the teachers' federation in this circumstance did not choose to participate, did not choose to help resolve this issue.

However, the will of that room, the sense of that room was that we need to move forward, that if they cannot be part of the solution on this issue, we were still going to seek a resolution for the benefit of not only our students in the classroom but also for our front-line teachers. I'm sure there will be many other discussions and conversations as we consider the options that were put forward at that meeting of all of the important stakeholders to resolve some of the issues regarding co-instructional activities that we are facing in some schools across the province.

We do recognize that local solutions, working together, talking these things out at the table, are certainly a preferable way to go. Unfortunately, if that is not an option where the best solution being a local solution is not available, then we need to make a step to resolve this issue. In many cases, we are seeing local solutions that are being reached, solutions that are mutually acceptable, that are fiscally responsible, that are negotiated settlements, and that is due to a lot of hard work of people in the system to make sure that happens. Again, in those agreements they are reaching, their goal is to be fair to both teachers and to taxpayers, and we would certainly expect that.

Just to give you some statistics to see the progress that has been made, the most recent information that is available to the ministry—and of course this is something that we pay some attention to, that we do track—is that of the bargaining units province-wide, 44 have renewed collective agreements starting in September of this fall or they have tentative agreements that they are in the process of finalizing or ratifying, wherever they are in the particular process and in progress. Already 18 have agreements that run from September 1998 to the end of August 2001.

So, there has indeed been progress made. There have indeed been steps by boards and bargaining units to try to resolve these issues. That's something parents and students appreciate and I know teachers appreciate. I had the privilege—even before I was education minister but cer-

tainly since becoming minister—of meeting and talking to many dedicated and committed teachers, teachers who work hard for the children, who go above and beyond for the children and put the students first. They didn't go to teachers' college to stand on a sidewalk with a placard. They tell me they went because they wanted to teach, they wanted to have that reward, that joy of making a difference in a child's life. It is also for those teachers that I think this step is very important, so they can be where they would like to be, back in the classroom with the students, doing what they do best, as well.

The government thinks we have given the school board and the teachers' union the time to achieve a mutually acceptable negotiated settlement. The priority is clearly to try to get the children back to school. This bill proposes quite simply to end the lockout by the board, the strike action by the union. First of all, we have to pass this bill, and I appreciate the efforts that our House leader has made to try to ensure that this legislation can get on today and hopefully be finalized tomorrow, because operation of the schools can resume on the first school day following royal assent. It is certainly our hope that if we can get this passed tomorrow, we will be able to follow very quickly with royal assent so that our parents will know that the schools will be open and so that we can get our children back in the classroom.

Of course, and I mentioned this a little earlier, one of the parents' major concerns—certainly something they expressed to my colleague from Stoney Creek, certainly something that the parents talked to me about last week when I was meeting the parent representatives here at Queen's Park—was that the children would have the opportunity to catch up on the work they had missed. When you look historically at what has happened over previous years, when you look at how long some strikes have gone on in some school boards over the years, you can see that some have actually been quite lengthy. There was a strike of some 80 days in one particular school board. Others have been of 40 and 50 days. One can just imagine the frustration that those parents, those teachers, those students had in those particular lengthy disputes.

But what is very different about this particular situation is that of course with the new curriculum it makes it that much tougher for students to catch up, to make sure they don't lose their school year. Of course that has been one of the important criteria that I know the Education Relations Commission has used in the advisement, the advice, they have given me as minister and the government today, because the ERC, as it's called, the Education Relations Commission, is an independent body whose job it is to monitor labour disruption in education, to declare or to provide advice to the government when they think that strike can result in students losing their school year. They had considered it briefly last week, I understand, had taken a close look over the last several days, and today, as a matter of fact early this afternoon, to be precise, wrote a letter to me which clearly stated that it was their view that the school year would be in

jeopardy for these students if we did not act and advised us to do that.

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The other thing that it's important to note, and I know there have been some concerns, is that the school board made a final offer or another offer to the teachers on Friday, I believe. I'm sure the Minister of Labour can answer any questions that critics or parents or the media may well have about the details of the collective agreement process here. But they have put forward another offer. This legislation recognizes that step is something that can be allowed to proceed. It might well come to an agreement. The teachers might well decide to agree to that offer, in which case the issue is settled. If that does not end up resolving it, this legislation of course has brought the students back into class, into school, if this is passed. But it does recognize that there has been that step taken by the board over the weekend. So I think it's important to make sure that is clear.

The ERC had sent a letter to the government. Early this afternoon we received it. Upon receiving that advice from the ERC, the government finalized the legislation that we had been drafting over the last couple of days. We made sure it reflected the change in circumstances over the weekend and we sought to introduce it with unanimous consent earlier today.

Losing out on the curriculum, not being able to complete the curriculum, is an issue that was of concern to the ERC. It's certainly an issue that is of concern to the parents. This legislation helps the board meet that responsibility. They certainly have that obligation to try and take steps, hopefully in co-operation with their teachers, to resolve this. The bill does take one step: it amends the board's school year calendar to change the designation, as I mentioned, of three professional activity days to instructional days for students. We think that will provide some additional time, and there may be some other steps that the board and the teachers wish to do to make sure our students in this community receive the curriculum information they need.

The bill also, I think it's important to note, would prohibit further strike or lockout action while allowing the school board and the teachers' union to continue working toward a fair settlement. Certainly there is still room there for them to do that. If not, an arbitrator can take that step. And of course the bill specifies that any new collective agreement—and this is probably self-evident but it is in this legislation—must comply with the Education Act.

This will ensure that the agreement is fair to students, that it recognizes and protects important investments we've made to promote quality education, including lower average class size, for example, something we have taken considerable steps on, something we've invested more money this school year for. For example, \$263 million has gone to school boards this year just for smaller class size. We've taken legislative steps not only to start putting limits on those class size averages but also to make sure, if the board is taking that additional money

and that resource and are cashing the cheques, if you will, they are indeed applying it to that goal. That is something we are going to be tracking and taking a look at. The legislation that was passed earlier this spring does indeed give us the ability to look at that, to examine that, to investigate where there are concerns from parents. We recognize that much more needs to be done in this area as well. That is one of the issues, obviously, that it is required a collective agreement must abide by.

Having resources for more textbooks and more class supplies is certainly an important priority. We've put more resources out to do that. We have had some boards that have been quite clear that they've used that money to settle their agreements, and I think those parents in that community and those trustees are judging whether that's an appropriate use or not of their resources.

The other supports we put in place that we expect any collective agreement would continue to respect are the supports for our early reading initiative, the additional monies that were put forward for junior kindergarten to grade 3 on the literacy side to help make sure that our students were getting off to a good start in terms of the literacy training they need, and obviously too the protected funding for special education. As many have heard me say in this House, because I think it's an important fact for parents to hear, monies for special education have indeed increased. Again this year—this is the third year in a row—we have increased spending on special-needs students. The increase to the education system this year was 12%.

Not only is it a question of spending more money, but of also making sure that boards are using that money appropriately, because in many cases the parents' expectation of what happens from board to board varies. So among of the things we are putting in place are clear standards so parents will know the expectations they can have for a board, for the programs that board is able to offer their child, and so we can also make sure that the increased resources that are going in there are being used appropriately and that parents are seeing that difference in the classroom. We clearly know that more needs to be done in that area. That is another important quality standard that we have put in place that of course any collective agreement, whether it's in Hamilton-Wentworth or otherwise, will have to abide by and respect.

I know the children in Hamilton-Wentworth want to return to their classrooms with their teachers. I know the parents certainly want them to be there. I suspect many of the teachers want to be there. So I believe that by supporting this legislation, the Back to School Act (Hamilton-Wentworth District School Board), we are putting students first. We will help to resolve this issue. I would respectfully ask all members of this Legislature to support the legislation and to allow it to proceed through second and third reading as quickly as we can so we can get our children back.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I was called into service at short notice, but that having been said, I can assure the

Speaker and members of this House that this has been a hot topic over the last few days.

If we could get some order here, perhaps members could hear some of the things that need to be said. I think there are some negotiations going on behind the scene here, Mr Speaker.

The Deputy Speaker: Order.

Mr McMeekin: I feel a little bit tonight like I felt in the past as mayor of that great municipality the town of Flamborough, the one municipality in all of Ontario which actually lowered local taxes for an unprecedented six years in a row without gutting services. We found our reward at the end of the day, Dom, to be the forced amalgamation of a number of very prudent and well-run municipalities into something else. That having been said, I suspect there are a number of parents and teachers and educators and union leaders who are listening to tonight, so I want to make some connections here.

When we dealt as a town with a number of issues that came up, it was often a lot like having to jump in the river to save those who were drowning. We got very good at that. We got very good at doing the fundraising drives, at training the people who would jump in to try to rescue situations that were entirely not of our own making. Finally it dawned on me that it was time to go upstream and look at who was throwing them in, and with that decision I decided to run for a seat in the Ontario Legislature. Recent history will show that I'm here to speak to some of these important issues.

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I want to say at the outset, having listened to the Minister of Education, who I know has a very real concern for what's been going on, and her colleague and my good friend from Stoney Creek, who raised the issue on a number of occasions, that while it's fair to be critical, it's also critical to be fair. I think in the context of this particular place and space in time, it needs to be said that in an ideal world we wouldn't have the kind of disruption that has been so evident in the community that I have the privilege of representing, particularly in the educational sector. In an ideal world there wouldn't be strikes, there wouldn't be lockouts, but it's clear that we don't live in an ideal world. In that context, I want to just say that if there's anything that both parties do clearly agree on, or appear to agree on, it is that they're not the only players or perhaps even the pivotal players in this particular issue.

Our education critic, who is obviously out writing some very lengthy presentation that he'll make, I'm assuming, with respect to debate on third reading, tells us that in Ontario in terms of public education since the government opposite has come to power we've seen cuts of about \$1.6 billion in education. My colleagues on this side of the House tell me that—was it Haldimand where there was—

Interjection.

Mr McMeekin: Brant—a cumulative decrease in educational funding of some 8%. In Hamilton-Wentworth, the board where the legislation contemplates ending the

labour disruption, there has been in fact a cut of about \$1,100 per student in educational funding. That has had a very debilitating effect on educational issues in the community and it has made the job of negotiating a collective agreement very difficult.

I mentioned earlier that there are some things that even the parties that are in dispute seem to agree on, and one of those is the seeming abandonment by the government of their commitment to public education, with the funding cuts and what have you. I can speak from experience, the coming together of the two school boards. The old Wentworth county school board seldom, if ever, called upon the government for funding to build new schools because they were so well run; actually, we had a surplus at amalgamation. With that amalgamation came a whole series of problems, most notably pitting community against community around the issue of the potential closure of community schools.

Dom and David, I know that's a big issue in Hamilton, the lifeblood of communities being the local community schools being put at risk. The member for Hamilton West and I attended a meeting recently with respect to the transportation cuts, some \$973,000 that was arbitrarily cut from the budget, which now puts 314 of our rural kids at significant physical risk and in harm's way. The response of one of the political leaders in the town was to say, "Look, Mr MPP, kids die every day. Get used to it." That's the kind of milieu we've been thrust into.

I just want to say a little bit further on the issue of the two parties that on the surface are seemingly in dispute on their agreement, the chair of the school board's negotiating committee, the vice-chair of the school board and the former chair of the Hamilton school board, Mr Mulholland, wrote to the minister recently, and I'm sure she'll recall the letter. He said, essentially, that the discriminatory and very prejudice-filled funding formula made it really impossible for his school board to negotiate a fair collective agreement. The member for Hamilton East referenced that in one of his questions to the minister not that many days ago, when he got up and read portions of that letter. When the chair of the negotiating committee, who the minister referenced has put the final offer on the table, laments as publicly as he did the kind of shortfall that this government has caused, it ought to cause us all to pause and to reflect on the future of public education in this province.

We've seen what happens with the kinds of changes and lack of accountability that have come about as a result of the centralization of certain services and the pitting of community against community, and I would mention as a footnote the \$35-million shift vis-à-vis the business education tax, particularly with respect to industrial properties in the Hamilton-Wentworth area, that has come about directly as a result of the arbitrary decision of a couple of years back to amalgamate the school boards.

All of that having been said, over the last couple of weeks I can attest, as can other members from the area, that we have had a number of people contact us with respect to the concerns they have, mostly parents who

don't understand why grown-up people just can't seem to get their act together. You try to explain that it's really difficult in Ontario, as the government continues to abandon the funding of the public education system, to provide the kind of quality education that parents want.

One of my colleagues made reference to the ISA grants and specifically the children with special needs and his experience as a principal. He was sharing with me earlier today that with the process of having to apply for certain grants, there were seven young people in his school system who were, upon certain changes being made by the ministry, denied the help they needed. That's the kind of thing we're seeing in education, and frankly, I think it needs to be said tonight, the kinds of issues and the kinds of concerns of good teachers all across this province in every jurisdiction, not just Hamilton-Wentworth, because this problem isn't unique to Hamilton. By the way, this isn't the first and the last dispute that we'll be asked to deal with. There have been other bills that have made it virtually impossible for boards to reach agreement if they even come to the bargaining table.

I'm going to refrain from looking at the quickly prepared bullet points and just do some sharing directly with respect to my concern here. I have already mentioned that in the last several weeks I've had about 600 e-mails and calls—Brad, you've probably had just as many—with respect to this dispute and the very real concern that children are being caught in the middle, some think even being used as pawns by folk who just can't seem to get their act together. The simple truth is that the party that can't get their act together are those that are determining educational policy. They can't get their act together in this province.

Interjection.

Mr McMeekin: Absolutely. I'm glad you agree with me.

Interjection.
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Mr McMeekin: If you listen, I'll explain it, because it's very clear we have touched a sensitive nerve on the other side of the House. They have a lot of sensitive nerves when it comes to abandoning the needs of kids. They do a lot of talking about kids and education and their concern about their well-being, but where I come from the proof is in the pudding, and when we see the vice-chair of the school board writing and saying, "You've tied one hand behind my back, because the funding formula simply doesn't provide the kinds of resources we need to come up with a fair and equitable contract," I think it says an awful lot. I'm glad to see the other minister is getting involved now and we've got his attention too. You can always tell you're scoring points when the opposition—they're practising, they're getting ready, Michael, for their days in opposition, right? Soon, very, soon if it keeps up in health care and education and—

Interjection.

Mr McMeekin: Yes. Well, you'll get used to it.

Interjections.

Mr McMeekin: For some of us it's a genetic trait, but we won't get into that.

I'm very concerned, as I said earlier, that while it's fair to be critical, it's also critical to be fair. I'm concerned that we need to find ways to get the system working again. That's the good news. But the bad news is that this particular bill and the way it's framed really institutes, almost institutionalizes, the kind of unfairness that is causing a lot of people in the Hamilton-Wentworth area to raise the distrust level that they have for the government.

You heard the Minister of Education pleading last week for the sides to get together and come up with an offer, and they did that. The school board decided they would exercise their options within existing legislation to have the final-offer vote and, lo and behold, notwithstanding the Education Relations Commission's acknowledgement that kids may now have their education at risk, even the Education Relations Commission was pleading with the government to defer inflicting this legislation, as I recall, until after we had some indication from the teachers as to whether that final offer would be acceptable.

Let me focus specifically, if I can for a couple of minutes, on the mediation-arbitration aspect of it. It's clear to even the most casual observer that this bill is going to pass, and there's some good news in that inasmuch as it'll have the kids back in school I think as early as Wednesday. I like that part of the bill. What I don't like is when the minister talks about good-faith arbitration and specifically talks about the arbitrator having exclusive jurisdiction and coming in with an agreement acceptable to both parties, but then falls back into that old pattern again of stacking the deck, tying the hands of the arbitrator, saying that through the infliction of unrealistic guidelines, almost ensuring the bad-faith aspects of this particular bill, the minister would have us believe—notwithstanding the letter from the vice-chair of the school board who says his hands are tied and there simply isn't enough money because of the government's funding formula to finance the kinds of changes we want to see—that this mediator-arbitrator is somehow going to come in and just work magic.

I had suggested to the minister in a couple of conversations we had that there was another way of handling this dispute. Simply put, it would have been to have requested the parties present, and the minister herself as a representative of the government, to enter a period of normalization where administrators and teachers would go back to administering and teaching respectively, and that there would be a 90-day cooling-off period. There's some vague reference to the 90-day period here through which the mediation-arbitration will occur, where the minister would intervene and perhaps claim some ownership, were she fair about it, as to the role she's played in terms of creating some of these difficulties. In a sense, it would be what I would call no-fault legislation. You wouldn't be laying the blame at

somebody else's feet. You create the problem, then you abandon the system and run away from it, and rather than pointing direction, you want to point fingers: it's the teachers' or the school board's problem.

For what it's worth, with respect to this particular legislation I think it would have been helpful if there had been some pointed acknowledgement in the legislation that fair arbitration—if you're asking the two parties to enter into a fair arbitration process, after all, you presumably want a mutually acceptable mediator-arbitrator to—

Mr Ernie Parsons (Prince Edward-Hastings): They're perplexed at the word "fair."

Mr McMeekin: Yes, I know "fair" is difficult. It's f-a-i-r, fair. You know fair? It means goodwill, honest, upfront, you know? I've got to tell you, if there had been some reference in the legislation to fairness, if there had been some reference in the legislation to not tying the hands of the arbitrator, if there had been some possibility built into the legislation that an arbitrator might come back and say, "Madam Minister, members of the government that she represents, the fundamental problem that's made it difficult for us to come up with a solution here is the lack of funding that's been made available," that would be fair.

I don't know how this is going to unwind, but I think it's unfortunate that we ought to be looking at laying blame on one party. As my 12-year-old said to me the other day—my 12-year-old gets it. She said, my 12-year-old, "Nobody's guilty but everybody's responsible, including the government."

So I want to say to this government, we'll discuss this in caucus tomorrow around exactly how this may unfold and we'll be looking forward to the debate. But I want to tell you now, we're into pointing directions, not fingers. The direction we want to go in is a long-term direction that supports public education and the teachers and the parents and the children who access that to build a stronger, healthier Ontario. I hope that's something members opposite will, in the context of this debate, finally come to understand.

Mr Peter Kormos (Niagara Centre): I want to tell you, and I suspect people suspect this, that I don't support back-to-work legislation. I don't support it under any circumstances. I regret being in a Parliament—and it's not the first one; you guys aren't the first guys to pass back-to-work legislation. I understand the rationale provided, and I've had the arguments made to me over the course of today, trust me, in terms of the legislation.

I was the one who said no earlier today. I said no first; I said no again. I tell you that I'm going to vote against the legislation. I'm going to tell you as well—

Interjections.

The Acting Speaker (Mr Bert Johnson): There's yelling back and forth. That's not allowed.

Mr Kormos: I'm going to tell you as well that I would have felt incredibly uncomfortable merely voting against the legislation without having said no to the

search for unanimous consent in an effort to speed this through first, second and third readings in about one day.

It's a convenient position to take, to say, "I'm opposing the legislation, but I'm going to do everything I can to facilitate its speedy passage." You see, if you don't believe in the legislation, then you shouldn't be participating in its speedy passage.

2010

I'm not sure I had a whole lot of friends here in this Legislature before today. I'm confident I have a few less now than I did earlier this afternoon. I have no regrets about that. One of the problems I encounter, you see, is I can say no, but if I'm saying no alone as one of 103 people, all it takes is for a 30-second absence from the chamber for the government to stand and make the request for unanimous consent again. And God bless. They believe in back-to-work legislation; I don't. I understand that difference of opinion.

I found it somewhat difficult to sustain my position without the support of not three other members of the Legislature, not two other members of the Legislature, not even one other member of the Legislature. I found it difficult to sustain my position because it was unsustainable. At some point, I was going to be out of here for three or four minutes and a request for unanimous consent to have this rammed through first, second and third reading in one fell swoop would have been made and there would have been nobody to say no.

So I apologize to the folks who would have expected me to continue to say no this evening and through into tomorrow, when of course the government, after introducing the bill in the proper way, would have been entitled to seek unanimous consent to proceed immediately to second reading. The fact remains that, yes, the bill will pass. The bill will pass with some opposition by opposition parties, and it's my view that the bill will pass too soon. One of the observations I make is that I've been made aware that teachers are currently in the process of voting on a position. I understand the resentment of those teachers who say, "Why don't you at least let us finish that vote before you proceed with back-to-work legislation?"

I read the report from the ERC—a page and a half—and you don't gotta be a rocket scientist to know that after several weeks of missed school, you're getting close to the point where you're jeopardizing a kid's school year. You don't need the ERC to tell you that, do you? But the ERC letter was waved today as, all of a sudden, some sort of urgency to the matter. The government knew that this strike had reached some pretty serious impasses over the course of the last several weeks; I don't think there's any question about that. There were rumours already last week that back-to-work legislation was in the works. They were probably pretty good rumours.

I found it rather strange that the government couldn't have its bill ready to be read earlier today at first readings, when bills are supposed to be read. I don't want to suggest that there's anything nefarious going on over

there. People draw those inferences for themselves. They don't need me to suggest it. People out there have got a pretty good handle on what's happening over there. But by appearing late with the bill, it has added to the sense of urgency and may have been used to generate this sense of need to pass it first, second and third reading in one fell swoop.

I'll tell you what I did. Oh yes, I'm not bloodied. They didn't knock me out. But, trust me, I had all sorts of people leaning on me real heavy today, and I have no apologies to them or to any of you. I managed. For whatever reasons, the government wanted to proceed with first, second and third reading, and the government agreed at the end of the day to at least have second reading this evening and third reading tomorrow afternoon, so at the very least there's some debate on this matter, because otherwise there wouldn't have been any debate; there wouldn't have been any opportunity for anybody in this Legislature to stand up and say why they supported the bill or why they opposed it.

Is the debate sufficient? Probably not. But at the end of the day, were very many government members going to stand up and participate in it had it been longer? Probably not. We've seen that too many times, haven't we? The government members will actually miss their turn in the routine as we progress from one party to the other because from their point of view, I suppose, there's either simply nothing more to say or there's nothing they want to say for the public record.

Again, I regret that I reached the conclusion that I would be unable to sustain the "no" position. I reached that conclusion because there would have been some period of time in which I had to be out of the chamber for reasons natural or otherwise that would have given the government an opportunity to again seek unanimous consent.

What I do find of concern is that nobody else wanted to say no. I understand why government members didn't want to say no, because they support the bill. They want to see it passed speedily. This government is an anti-union government; it has strong anti-union sentiments. There's no secret about that. I'm not saying anything offensive to any of the members of this government. Their history with respect to labour legislation speaks for itself, whether it's the repeal of Bill 40, the onset of the incredible attack against teachers with Bill 160, through to Bill 69, the most recent bill, dealing with first-contract bargaining rights, the proposed amendments to restore us back to a 60-hour work week, turning the clock back to the days of my grandparents. This government has a strong anti-union bent, anti-worker bent. I understand that. Clearly it has support for its views. There's enough support for its views out there that this government managed to get itself elected in 1995 and again in 1999. But I tell you, there's clearly as well support for contrary views, because you'll note that the two parties that occupy the opposition benches occupy one half of this Parliament.

So once again I find it sad and disappointing, but I came to the conclusion that I couldn't sustain my "no" position. I find it sadder that the reason I couldn't sustain that is because I was very much a minority of one, not that I haven't been a minority of one before, and there's nothing inherently wrong with being a minority of one. If you believe the position you're taking is correct, you've got to take the consequences that accompany it.

What I am going to question is when this comes for a vote—and I'm going to stand for a recorded vote. I hope, again, there are at least four others who stand with me when it comes time for a recorded vote, because I want those Conservatives who support back-to-work legislation to stand in their places and be counted, and I want to see opposition members who are opposed to it stand in their places and be counted. Then I want to ask those opposition members how it is that they would oppose the bill in a vote but not say no when the government needed their consent to expedite the bill through the Legislature. If a bill is bad enough to oppose, why isn't it bad enough to slow down? If a bill is bad enough to oppose, why isn't it bad enough to demand full debate? If a bill is bad enough to vote against, why are people walking some sort of comfortable middle-of-the-road line where they want to be all things to all people, where they want to straddle that fence? "Oh, I don't want this group mad at me, but then I don't want this group mad at me either." They want to play all sides. Unfortunately it usually doesn't work out that way. The Tories understand whom they're for, where they're coming from, where they want to go to. I understand it too. It frightens me; it causes me a whole lot of concern. I dare say it causes the folks in Niagara Centre a whole lot of concern, and obviously people in significant enough other parts of the province, that they're concerned as well.

2020

What I witnessed today was oh so similar to what happened the other day in the justice committee with Bill 117, this government's so-called domestic violence bill, when opposition members wanted to raise concerns about some real deficiencies in the bill. There, when government members had a chance to say no, when government members had a chance to say to their parliamentary assistant and their minister, "No, this bill shouldn't pass until it has been improved and until it addresses the concerns, legitimate concerns, that were raised by opposition members," none of them said no either. They were content to let themselves be whipped; they were content to simply go with the flow. They weren't interested in asking any of the tough questions; they weren't interested in seeing the matter set down or deferred so real answers could be obtained to those same tough questions. They wanted to please their whip, their parliamentary assistant, perhaps even the Premier. They wanted to prepare themselves for the cabinet shuffle, the one Ms Blizzard writes about in the *Toronto Sun*, the dramatic cabinet shuffle that she speaks of. The lineup is significant.

I understand why government members do that; I don't understand why opposition members do it. I

understand why government members are competing with each other for scarce cabinet positions; I don't understand why opposition members are prepared to compromise their principles. I understand why government members want to follow and toe the party line and want to play the spin doctors' game; I understand that. I understand that governments wield power and distribute largesse as a result of that control of power on their part. But I don't understand why opposition members aren't prepared to say no.

Mr Frank Mazzilli (London-Fanshawe): You should ask them.

Mr Kormos: Mr Mazzilli, who's as effective a sycophant as this place could contain—

Mr Brad Clark (Stoney Creek): That's nasty.

Mr Kormos: Well, he is. He's a parliamentary assistant; he likes the job. He may not be as ambitious right now, but in his heart he harbours better things. Mr Mazzilli, one of the most effective sycophants this place has, says, "Ask them." That's exactly what I'm doing. That's why I want to see recorded votes at the end of second reading. That's why I want to compare those recorded votes and contrast them, saying, "If these people were opposed to this legislation such that they're going to vote against it"—and I presume the reason you vote against something is because you want to defeat it. If you don't want to defeat it, why would you vote against it? But if you really wanted to defeat it, why wouldn't you take on some of the task of slowing it down? Why don't you take on some of the task of ensuring that it gets full debate? Why don't you participate in a process that says, "OK, we understand that the bill may well pass"—

Interjections.

The Acting Speaker: Order. We can't have this yelling back and forth. Please get your paper, your Christmas cards and sign them or something, because if you don't, you're not going to be here long.

Mr Kormos: I can send Mr Palladini a colouring book and some crayons, if that'll keep him occupied for a while.

Hon Al Palladini (Minister of Economic Development and Trade): I think that's what you need.

Mr Kormos: He's got to stay inside the lines. That's part of the rules.

The Acting Speaker: I'll not warn the minister from Vaughan-King-Aurora again.

Mr Kormos: You can't break the crayons, Mr Palladini, and you can't chew on them. I want you to understand that.

Interjection.

Mr Kormos: You can have the crayons and the colouring book—

The Acting Speaker: Order. I'm naming the member for Vaughan-King-Aurora.

Mr Palladini was escorted from the chamber.

The Acting Speaker: The Chair recognizes the member for Niagara Centre.

Mr Kormos: I've got to tell you I've got some sympathy for the member you just tossed. But here he is.

Mr Palladini lost his virginity this evening. I think this is the first time he's ever been tossed from the assembly. I've got a feeling there are other places he'd rather be right now in any event, be it here inside the building or in regions beyond this chamber.

I wanted to mention some of the e-mails I got after this afternoon. I got an e-mail from a person who says they can't believe I would vote against the government on the legislation of putting an immediate end to the teachers' strike in Hamilton. You bet your boots. Believe it. To be fair, this is the mother of a five-year-old in grade 1 in Hamilton. She explains, "But our children are the ones who are losing out." She talks about how she's paying for daycare and she has someone who is teaching the children the curriculum at her house. She says undoubtedly what I did has angered more people than herself. "Just please consider our children."

I've got to tell her I do consider her children. Strikes by teachers used to be very rare in this province. I suspect, and I don't have hard data, that more strike votes have been undertaken by teachers in the last five years than had been in the previous 30 years. Teachers have been under assault by this government from the get-go, from day one, from 1995, beginning with the omnibus bill, then when it became clearer and clearer through to Bill 160, and a continuing attack on teachers and on publicly funded education.

Ross school down on Niagara Street in Welland: I was just there again a couple of weeks ago at a little fun fair. Now they're doing three a year to raise money, not for extras, not for class trips, not for junkets to Toronto or Queen's Park. The kids, their teachers and the parents are holding three fundraising events a year to raise money for classroom supplies and basic materials in that school because this government won't fund your kids' education, be it in Hamilton, Welland or any other number of places in the province. That's the kind of climate this government has created for teachers and students. I say to the mother who sent me the e-mail objecting to the position I took, I understand what you're saying, but please, ma'am, understand what this government has been doing to the quality of your kids' education.

I got another one from a woman in Goderich who expressed her thanks for trying to slow down the Tory legislation earlier today. I got another one from a Hamilton parent of a senior kindergarten kid who's mad as all get out that I would vote against the government or do anything to expose what amounted today to the incredible sloppiness of their effort to table this bill for first reading, and then the audacity and arrogance of the government, that wanted it to pass first, second and third reading, no debate. Did you hear Ms Ecker's request for unanimous consent, first, second and third reading all in one legislative day? That's what she wanted. I say to this woman, this mother of the senior kindergarten student, that it's far better, that it's far better, notwithstanding that this legislation is doomed to pass, to ensure that it's

thoroughly debated and that this government's agenda—its real agenda—for your kids is thoroughly exposed.

But then, having gotten that one, I got another one from a teacher in the Waterloo area.

Hon Chris Stockwell (Minister of Labour): Have you folded, Mr Kormos? You're a human card table.

2030

Mr Kormos: Mr Stockwell says I folded. He's right. I could not sustain my opposition to this alone. Without other opposition members joining in with me, it was but impossible.

Interjection.

Mr Kormos: I apologize for having felt compelled—

Interjection.

The Acting Speaker: The member for London-Fanshawe, come to order.

Mr Kormos: —to try to make the best out of what has been a very unpleasant scenario. Yes, Mr Stockwell, I folded.

The Acting Speaker: I'm not warning the member for London-Fanshawe again.

Mr Kormos: I couldn't carry it alone. I appreciate that and I'm not ashamed to acknowledge it. I apologize to the people I've disappointed. I make it very clear that I apologize to those people. I regret the anger of people who wrote by e-mail and telephoned today. I appreciate the similar letters of support of people who would have wanted me to delay this much longer, but the practicalities of it were that I couldn't. I regret that.

But I say this: I may regret even more having folded. At the end of the day I may regret that even more. That means I'll have to take that as a lesson learned, right? I'll have to take that as a lesson learned and reconsider any efforts to compromise on anybody's part down the road. I can live with that. I have no qualms about it. But as I say—Mr Christopherson now gives me the card that says "Time." I don't know whether he's talking about his time or mine.

Mr David Christopherson (Hamilton West): You asked for it. You asked me to do it.

Mr Kormos: I asked Mr Christopherson to tug on my coattail, which is what I usually ask colleagues. So I will defer to Mr Christopherson.

I once again want to indicate that I regret not having been able to stand in opposition—

The Acting Speaker: I'm naming the member from London-Fanshawe, Frank Mazzilli.

Mr Mazzilli was escorted from the chamber.

Mr Kormos: Once again, as I close, I want to apologize and indicate that I wished I could have effectively delayed this longer, but I formed the conclusion that I couldn't. I didn't make any friends in the process. As a matter of fact, as I indicated earlier on in my comments, I'm sure I have somewhat fewer friends in the Legislature now than I did earlier today. But that's OK. The fact is that I think I did the right thing. At the end of the day I remain committed to doing the right thing again if I have to and maybe being far more uncompromising in doing the right thing.

I want to thank the people who wrote. I appreciate the praise. I appreciate even more so the letters of anger and anticipate, as some members have already indicated, having received hundreds of these expressions of concern—comments from people in their ridings wanting them to go a particular way on this bill—and appreciate that they probably find that stuff incredibly persuasive. But at the end of the day, what's far more important is to do what's right rather than what one is necessarily persuaded to do by the volume of letters or the intensity of the emotion being expressed in those letters.

I look forward to a recorded vote at 9:30. I want to be able to vote against this legislation and I want others who are opposed to it to be able to vote against it too.

Mr Clark: If there were one word that the parents have been experiencing over the last few weeks in Hamilton-Wentworth, it would be frustration. When they came down here the other day, just a few days back, and sat in the gallery and saw what was going on, they were really frustrated. They were frustrated when they saw the school board lock out the teachers' union because the teachers' union had decided to strike and then decided rotating strikes. They could understand the process, but they were extremely frustrated when they heard both sides stating unequivocally that they were putting the kids first. It's very frustrating to find ourselves in this situation.

About a week and a half ago, the parents started calling and saying, "When is enough enough, and who's going to do something about it?" I had to recognize at that point in time that my constituents were expressing a very, very clear fear that the school year for the students was in jeopardy, that the school year itself was at risk for children from all grades. I also had to wrestle with the fact that we're in a different situation now. There's a new curriculum. The curriculum is a little bit more difficult. So when the ERC came up in the discussion it was kind of unprecedented. We didn't have a decision from the ERC in terms of timing and when the school year was in jeopardy, but we knew, at least I did as one legislator, the parents knew very clearly, that they believed the school year was in jeopardy. So I began lobbying very hard for back-to-work legislation.

I'm glad we're here today and I'm glad that the back-to-work legislation has been introduced. I'm glad the member from Niagara Centre had a change of heart. Based on his debate, I'm not sure whether the change the heart was based on principle or a biological function, that he needed to relieve himself and couldn't stay in here sustaining his opposition, but the reality is he changed his position and it's in complete agreement with the parents now. He's going to oppose back-to-work legislation, I understand that, but he didn't stand in the way of the debate. He didn't stand in the way of the change.

If you actually look at the legislation, and I'm not going to go through it all, quite clearly what the legislation has taken into consideration is the lockout itself. It removes the lockout. It removes the strike threats. It deals specifically with the final vote offer, which is underway

right now by the board. Then it proceeds to deal with arbitration. It even goes so far as to deal with time lost and the impact for the students. So the legislation in itself has been carefully drafted to try to take into consideration all of the concerns.

The interesting thing through this debate was the discussions back and forth about funding. We've heard lots of rhetoric from all sides and we've heard arguments from all sides in terms of whether the school board has the money or the school board doesn't have the money. It was a rare occasion when I found myself in a situation where the local president of the teachers' local was stating very clearly the board has the money to fund a salary increase without the loss of the teaching positions. That was the position of the teachers' union leader. We, from the government side, know very clearly that the money is there. After all, it was this board that did settle an agreement with the secondary panel.

The parents are sitting here and they're watching this. They're seeing it played out in the media. They're seeing two sides entrenched in their positions, not moving. They are seeing the political rhetoric—they called it a political football—while their kids aren't in school. The fear and the anger was at a boiling point. As the other members have alluded to, the amount of mail, e-mail and phone calls that we've been receiving in Hamilton-Wentworth has been significant. For all those people who called earlier today and to whom I gave out the member for Niagara Centre's phone number, I take it back now; he is no longer stopping the legislation from being introduced. So don't call Peter Kormos.

The reality is parents were reaching out, and the thing I found most frustrating was that the parents were stating, "It doesn't matter what the ERC says. It doesn't matter what anyone says in terms of who has to make the decision," that at the end of the day they elect 103 legislators to make the decision, and I found myself in a position where I had no choice but to advocate very strongly for back-to-work legislation to get the kids back in school.

2040

In this legislation, I think it's fair. I think it's equitable. It gets the kids back in school and it allows the labour process to continue, and at the end of the day, if the teachers and the board and the parents and the media and all of the legislators are saying the kids come first, then why would any responsible person oppose this? If you read the bill, there's absolutely no reason why anyone would oppose this back-to-work legislation. It's not a sledgehammer. It resolves the problem very clearly for the residents in my community and puts the kids back in school.

Mr Dominic Agostino (Hamilton East): I'm pleased to join this debate and I certainly intend to take a different point of view than my colleague from Stoney Creek as to why we're here and why this situation has occurred.

First of all, let's understand clearly the reason we have the crisis we have in Hamilton and across this province lies squarely at the desk of Mike Harris, Janet Ecker and

the Conservative government. Under Bill 160, this government wanted full control of education. You wanted to be school trustee, teacher, administrator, director and everything else. You wanted education and you wanted to control that out of the Premier's office, so what you did was set up a series of unrealistic, unworkable funding formulas that didn't give the boards the flexibility to negotiate. You made cuts across the board and this is why we have the situation in Hamilton we have today. All you're trying to do by this piece of legislation is limit the damage that you have caused to children in Hamilton as a result of your policies toward public education. It is that simple. It's been a three-week strike that was caused by Mike Harris, the Conservative government and their cuts to education in Hamilton.

I think a lot of people throughout this have dealt with it with great dignity. Tonight, I want to first of all mention Kelly Hayes, the president of the teachers' federation who, under a barrage of attacks and criticism, represented her members well, with class, with dignity, with respect. Kelly's interest, as with every other teacher who was on the picket line that I walked with on Friday and other times, is and always has been the children in the classroom and the best educational experience for those kids.

We have Ray Mulholland, a 24-year trustee who's deeply committed to public education; a trustee who has a great deal of respect who visits the schools regularly, who deals with parents, teachers and kids on a regular basis, who understands the educational system better than anybody in the government caucus. Mr Mulholland could no longer deal with frustration.

We have the parents who had to deal with the difficulty of their kids being out of school; the real fear of the parents that their kids could lose their year, lose that educational experience.

It has been a very difficult and trying time for our community. This government talks about fair and balance in everything it does. I can tell you there's been nothing fair and balanced in how you've handled this. There's the fact that you poisoned the well when it came to the negotiations with the Hamilton board by sabre-rattling and pounding your chest a week ago, 10 days ago, about back-to-work legislation. Think about it. You're in the middle of a dispute, they're trying to come up with some agreement locally, and Janet Ecker rides in on her horse and says, "Hey folks, I'm going to bring you back to work. I'll legislate you back to work."

The member for Stoney Creek was an accomplice in that by asking her. The set-up in the House was wonderful. Did that really help get an agreement any quicker in Hamilton? I say it did not. It just more fundamentally damaged the morale of teachers. It angered teachers. It angered parents.

Once again, this government, with an untimely and wrong intervention, caused more problems than it solved by threatening, a week or 10 days ago, this back-to-work legislation we have today.

The reality is that this government here, Mike Harris, Janet Ecker, since 1995 have stolen \$1,100 from every

single student of the Hamilton board of education, if you look at what they gave in 1995 per student and what they give today. That is the reason we have the problem we have today.

Now we have a recommendation by the Education Relations Commission that the year may be in jeopardy. They make it clear as well that this is the earliest recommendation the ERC has made so far in regard to a ruling of jeopardy for a school year. This government gets the letter, rushes in today with a piece of legislation, and then it's history from there because we have a very difficult situation that has unfolded today.

This problem isn't unique to Hamilton. This is not the last dispute we're going to deal with. Half of Ontario's public high school teachers and a third of the teachers in the elementary system today are still without a contract. Bill 74 has resulted in 75% of our schools facing disruptions in extracurricular activities. There are going to be more students losing extracurricular activities, and there are going to be more lockouts and more lost days across this province.

Clearly this belongs to Mike Harris, Janet Ecker and the Conservative government because of your stubborn approach to education: not listening to teachers, not listening to trustees, not listening to parents, but making those decisions in the Premier's office for the rest of Ontario. I tell you that the debate and this legislation we're dealing with about Hamilton here tonight is going to be repeated across the province time after time in months to come. This is not a fix.

Now you're going to have, as part of this, a binding arbitration process that will result from this at the end of the day. Understand that under Bill 160 you put in an interesting catchphrase that covered not only education but many other public sectors, which is when arbitrators take the board's ability to pay. Who determines the board's ability to pay? Mike Harris, Janet Ecker and the Conservative government of Ontario. You have taken full control of that. You have made the determination of the board's ability to pay. So you've made the determination that's caused this chaos. An arbitrator can't go in and change any of that. Yes, this will get the children back in the classroom, but it doesn't solve the problem you have caused with the basic underfunding of our educational system. It is not going to be changed by that.

You've destroyed the morale of teachers in this province. There hasn't been a government in the history of Ontario of any political stripe that has attacked the teachers with viciousness the way this government has, year after year, ad after ad, commercial after commercial, piece of legislation after piece of legislation. How do you build a better system by destroying the credibility of those who are responsible for delivering that quality education? You have destroyed the morale of teachers across Ontario by your actions, by your attacks. Remember that stupid 24-minute ad you ran on TV that you're proud of, humiliating and embarrassing teachers? Remember your attack ads about teachers?

For years and years they volunteered, gave up family time, gave up their own time to do extracurricular activities, and you had the nerve to dare suggest they weren't doing it and you had to force them to do it. That is this government's approach to public education: destroy the credibility of teachers, destroy the morale of teachers, destroy the system and destroy people's belief in the system.

I don't think it was an accident when a few years back one of your former ministers said the intent was to create a crisis. I can tell you, you have your wish. You have created this crisis. Let me tell you that I believe this crisis has been created because it is a deliberate attempt by this government to undermine and destabilize our public education system so it can then open the door to other alternatives. They can call it what they want across the floor. The reality is that the way to move on and go to things that were unthinkable years ago is to cause enough instability and chaos in the system. They have managed to do that. They have managed to cause this instability in our system.

We know today that in a recent survey 66% of schools reported students must share textbooks and 65% reported out-of-date textbooks. There are now 20,000 students in Ontario who are waiting to be assessed for special education by a board psychologist. Over the past three years the number of schools that have psychologists on staff has dropped 38%. English-as-a-second-language programs are now offered in 24% fewer schools than they were three years ago. That is the reality. One third of the libraries are only open part-time, and now, over three years, the number of libraries staffed by teacher-librarians is down by 15%. This is what the situation is like across Ontario and in Hamilton.

2050

When we look at the inability of the board and the teachers to come to an agreement, who do I believe? Do I believe Janet Ecker as to the reason why, do I believe Mike Harris, or someone like Ray Mulholland with 24 years of dedication? Let me tell you what Mr Mulholland said in a letter to the minister a few days ago as to why we have this standstill. He said, "My frustration is because of the inability of the bargaining process within the limits of the funding formula, which is restrictive. My disappointment is to you, Minister Ecker. I find it difficult to negotiate with one hand tied behind my back." I read that letter from Mr Mulholland into the record last week. That is the reality of why we're facing this situation in Hamilton today.

The reality is that you have continued to spend money on ads attacking teachers rather than putting that money into the classroom. You have spent \$100 million over the last couple of years on your so-called ads that supposedly were to give information. They have been nothing more than partisan political advertising. Try to understand how many teachers you could hire with \$180 million, how many textbooks you could buy, how many computers you could buy, how many librarians you could hire, how many music teachers you could hire with the \$180

million this government has wasted to try to prop up the election fortunes of Mike Harris and the Conservative government.

There's a time and place for that, and that is Tory-fundraised money, and God knows, you have lots of that. It's pretty clear how much of that you have, because your corporate friends have come calling in the last few weeks and you've given them legislation to pay them back for the millions they've raised and given to your party. We know that. Use that money to advertise the Mike Harris Conservative Party of Ontario. Use taxpayers' money back for education—\$180 million could have gone into the classroom. A small portion of that would have solved the problem in Hamilton and would have solved the strike we have in the city of Hamilton.

This government has to come to terms with their partners in our educational system. The partners are not simply the whiz kids in the Premier's office, not simply the Janet Eckers of this world whom the Premier tells what to do when it comes to education or the Chris Stockwells of this world whom the Premier tells what to do when it comes to labour. There are more partners than that. They are the teachers, the parents, the trustees, and we have to deal with those partners. You can't continue to simply impose things from Queen's Park, as you have, and think that's a fix.

Think what you're going to do to Hamilton. By Wednesday morning, or tomorrow night at 6 o'clock, you will have passed the bill that will legislate and force the teachers back into the classroom. You have done nothing to deal with the underfunding. You have hurt morale. Think of the teacher who is going to go back to that classroom Wednesday morning, knowing that three weeks later this government of Ontario has not done one piece of legislation, has not done one iota, has not lifted a finger to help them. They have just tried to beat them up, they have tried to marginalize them and they have tried to demoralize them. So you're going to force teachers back into the classroom without addressing the real issue.

Let this government show its true commitment to education and to ensuring we have quality education by giving us back the money you took from us. It's not that complicated. Bring your legislation in and send a cheque along with the legislation. Send a cheque with the \$1,100 per student that you have ripped out of our educational system since 1995. Then you start dealing with the fundamental problems of what's here. This is easy for you. This is a quick fix. You have the power. You've got a majority on that side of the House. Within a day or two you're going to legislate and use the hammer and force the teachers back to work. You've got the majority power to do that. This is easy.

The right answer, the right thing to do would be too difficult for this government because you would have to then reprioritize where you're spending. Maybe instead of advertising, you'd have to put some of this money back into education.

This is the problem: this government's priorities are all mixed up, and then when they get into a crisis they

blame everyone else. Of course they blamed the teachers here. It's a convenient scapegoat. It depends on what it is. Here you blame teachers. For health care you blame workers, hospitals, ambulance drivers, welfare recipients. The list goes on and on of your victims. Everybody, you blame everybody but yourself. When it comes to health care, it's the federal government. If it's education, it's those bad teachers. On and on the list goes.

I would like once for this government—unless somebody wants to stand up and tell us how perfect they are—to admit that maybe they've made a mistake on any issue, that maybe they're just not handling something right. You've got to come to grips with that in education before you can fix the problem.

This is going to continue to be a problem. You would have thought the government would have learned from its mistakes of the past when it comes to this type of action. You would have thought they would have learned from the damage they've done to education in the city of Hamilton. But no—

The Acting Speaker: The member from Ancaster may want to take his own seat.

Mr Agostino: Actually, I'm enjoying the company here.

If this government is truly committed to getting the system in Hamilton and across Ontario back to stability, to eliminating the crisis and the chaos we have, I would suggest that this government first of all start restoring the cuts you've made. I would suggest you invest more money for textbooks so parents—

Hon Mrs Ecker: We did.

Mr Agostino: The Minister of Education is back in and, in her usual style, heckling.

Instead of working to fix the problem, this government has quick-fix, bumper-sticker solutions to everything, and this is another one of them. I say to this government, if you're serious, if you're committed, put the money back that you've taken out of textbooks, buy more computers for the classroom, make sure we have more librarians than we have right now—the ones you've cut out—and start working toward eliminating the waiting list of 20,000 students who are waiting for psychological assessments across the province. But no, that's too difficult to do.

Again, I go back to what I said at the beginning: we are in this crisis today in Hamilton, and I predict shortly across the province of Ontario in many other communities, because of the funding formula imposed by Mike Harris, Janet Ecker and the Conservative government. That is why we're in this situation today. That is why we have the crisis. That is why they've taken \$1,100 out of education in Hamilton. This piece of legislation that is here today we're going to debate again and again, because you're going to be forced to do this again.

This government, in my view, showed its true colours about the way they deal with this type of situation, these difficulties in negotiations, about a week ago when the minister started talking about back-to-work legislation. Think about it. Within two weeks of a strike without a

ruling from the ERC, which traditionally is what this government has waited for, in the middle of negotiations—difficult, tense negotiations—this government says, “Hey, we’re going to fix it. We’re going to bring in back-to-work legislation.” Janet Ecker waves her fist high in the air and says, “We’re going to fix this. We’ll fix those teachers. We’ll fix the problem. We’re just going to pound them back into submission.”

Laughter.

Mr Agostino: I know the Minister of Labour thinks it’s funny and the member from Stoney Creek thinks it’s funny. I understand that they think beating up teachers is humorous and it’s a sport. It’s like a game for them. I understand that. They see it as a sport.

You take satisfaction in beating up teachers, and you’ve proven time after time that if teachers dared disagree with your government, you made them an enemy. You made them a target. You went after them. You embarrassed them. You humiliated them. You demoralized them. That’s what you’ve done. That’s what this government has done. They’re not a friend of teachers. They’re no friends of education.

Frankly, as I said earlier, their reaction is indicative. When I talked about beating up teachers, they thought it was humorous and they started laughing across the floor. That’s the true agenda here. That’s what the true agenda of this government is: destabilize the education system so we continue—

Interjection.

Mr Agostino: If the Minister of Education would spend more effort talking to parents and teachers and going to classrooms rather than spending her time heckling in the House, we would have a better educational system. But she’s not interested in that. She is part of a group—this cabinet, this minister, this government—who have made an attempt in five years to destroy and destabilize public education, so that they can go to charter, to voucher schools, to the types of schools that your rich friends want across Ontario. We know that. They did it in health care; now they’re doing it in education.

This is the reality. This quick fix isn’t going to do it. With this legislation, students will be back in the classroom, I would venture, by Wednesday morning. But I say to this government, if you’re sincere about fixing the problem, if you’re sincere about quality education, if you’re sincere about restoring some peace in the classroom, then please send a cheque for the money you’ve ripped out. You’ve cut out, you’ve stolen, \$1,100 per student. Send the cheque along with your order in council ordering teachers back to work. Then you have fixed the problem. Otherwise, you’re simply putting a Band-Aid on a very serious problem we have.

2100

Mr Christopherson: It has been an interesting day, to say the least, and probably would be a lot funnier were it not for the seriousness of the issue at hand. We’ll have time to reflect on that.

A lot of different positions were put forward. I find myself in an unusual position of disagreeing with parts of

the position taken by a colleague, and that’s never easy. It’s never helpful to one’s caucus. But I do agree with him when he says—and I don’t know whether he said it directly, but certainly the inference was there—that you’ve got to do what you believe is the right thing to do in the circumstances.

While I’m commenting in the relatively short time I have, I also want to point out where I think my vote in support of this is different than the government’s. If we could just stand back a little bit, up until now, when asked how we feel about this strike, the NDP—I’m the labour critic—has spoken as one voice and said we would not support back-to-work legislation as a result of the lockout. Up until today, the reason for that was that there was no indication that—we did not yet face a situation where the school year was at risk.

My friend across the way—the Tory member from Stoney Creek—has been advocating for some time now, a few days at least, that back-to-work legislation needed to be brought in. I guess the difference is the absence of the ERC. One could ask, what exactly does that do? I spoke with members of the NDP today who were here when I wasn’t, when this was first brought in. Prior to the ERC being in place, we were in exactly the position that the member from Stoney Creek put us in, which was making a political judgment around whether or not it was the time. It was based on one’s politics, one’s philosophy, one’s gut feeling for the situation, but nothing firm. There was really nothing that you could point to objectively.

I am told that our caucus supported the concept of the ERC to remove that political part of these kinds of situations. Our positioning, our thinking at the time apparently was that it staved off right-wing governments from jumping in at the first opportunity on a populist note to order teachers back, because the second teachers go out, you’ve got controversy in your community. Anybody who has faced these sorts of things understands that. This would, hopefully, prevent a right-wing government from using those emotions that flare up during a time of a labour dispute involving teachers and the board, to allow some negotiations to take place. Quite frankly, I would say that those who preceded me—those New Democrats who were here before me in this place—were correct in their thinking. I think Mr Clark’s actions, as the member for Stoney Creek, pointed very directly to what does happen in these kinds of situations when you have a right-wing government in power.

I suspect that if we hadn’t had the ERC, the claims and the call and the clamour for back-to-work legislation would have been coming even sooner. But because we have this ERC, it removes the question of whether or not the school year is in jeopardy from our political instincts to non-political expert opinion.

There has been an argument—I’ve heard it made; I don’t know if it was made in this House or not, but I’ve heard it made—that they don’t believe it. They don’t believe the year is in jeopardy. Well, that may be; it may not be. The point is that if we’ve got a problem with the

process of the ERC and how they go about their deliberations, then let's go and change that. Let's analyze that. Let's put lots of light on it, lots of expertise. If we feel that it has become political in some way or there are certain things they're not calculating or the appointments have led to a tilting of the right on this commission and they're bringing these out sooner than they otherwise would, let's have that debate and discussion and review. Without that happening, in my opinion, we are left with what the ERC is saying.

At the end of the day each of us, even those of us who aren't in government, have to answer for our actions as they relate to kids. We've seen people in this House use that argument where we've said, "You're using it as an excuse, a political football," what have you. Once we've got the ERC coming forward, stating that they believe it is jeopardy—if I have time I will read parts of it into the record because I think it is helpful to have it there—the fact that we now have the commission saying that leaves me and the balance of my NDP colleagues, with one very notable exception, looking at this and saying to ourselves: "What's the most we can do, and what do we achieve with that?" There is the argument that there are principles involved, and there are. Most of the things that are controversial in this place don't happen in the black and white; they happen in the grey.

I honestly do not know with certainty whether or not anyone's school year is in jeopardy, in terms of my own ability to analyze everything and all the factors, and come to a conclusion. I also don't expect that the Minister of Health could perform brain surgery. You rely on the expertise that's available and the process that's put in place. The process has brought us to a point in time where the experts are now saying, "The school year is in jeopardy." Where do you go?

My daughter is not directly affected by this. But if she were, and if she had to lose a school year for any reason, quite frankly, I would be worried sick about her future. "What does it mean?" I'd be angry and I would want a good reason. I'd want to hear a reason, an alternative course of action that was taken that would justify doing that to my daughter's future. Given these circumstances, I don't know what that would be, not that there aren't valid arguments made by my colleague and not that they aren't valid principles. They are.

This is always a subjective matter. I understand that. But in the balance, I can't justify setting aside the ERC recommendation and keeping the kids out any longer. It is already going to be very difficult to catch up on what has been lost. Teachers are going to lose professional days. The children are going to have to work that much harder. They're going to have to take time away from other things. Exactly how will be determined by the school board. We are already at that point.

Did I receive heat from parents across in my community? I see my colleague from Ancaster nodding his head. We've all had those calls. I've had no problem saying publicly and to anyone in Hamilton, "No, back-to-work legislation doesn't solve anything because it wasn't yet

worth that trade-off." This is pretty powerful stuff, taking people's right to withdraw their own labour away from them, even though it is a lockout situation. Nonetheless, I think they're pretty close in this case. That's pretty powerful. Any government ought to walk carefully when they start denying citizens those charter rights.

But unlike my colleague from Stoney Creek, I didn't believe we were at the point where it was worth taking away the teachers' rights—and for that matter the board's rights, but it's the teachers' rights that are directly in front of us here—as a trade-off.

2110

Mr Clark: Five days.

Mr Christopherson: I hear my colleague across the floor say, "Five days." It's more than just five calendar days. It's a document that was tabled here. Certainly your own minister believed it was more than just five days, because while she answered in the House as one would expect, she didn't make a commitment and this government did not move until they got this. They know the history of it. You've all got your notes ready, depending on which way we went.

Our government introduced legislation when the ERC reports were tabled. We didn't actually have to implement it, but we were ready to go. Why? Because it's hard to justify beyond this point. For those who may want to say that maybe my principles are in the wrong place or I'm somehow not a good enough trade unionist, or why is the NDP doing this when it looks like they're backing away from defending people who are out fighting for a decent collective agreement, I would say without question and without blinking at all that I'll stand by my credentials in the labour movement any day of the week and I'll stand by the principles of the NDP any day of the week.

It's easy to say, "The NDP ought to be over there going away off the deep end in unreasonable positions, taking all kinds of stands." I say, "No, we ought not." This is not a debating society. This is about politics, this is about power, and in my opinion the bad guys have all the power right now. I don't think that taking positions that we as members of this caucus aren't all comfortable with is worth making the trade-off that's in front of us today.

Let me also be sure the government hears what I think about the minister of the day saying—and I'm quoting from my notes as she was speaking—that there was time enough for the board and teachers. The minister wants to talk about time. There may or may not have been time enough. What there absolutely was not enough of was money.

My colleague from Hamilton East has introduced into the record the comments of Ray Mulholland. I've known Ray for close to 20 years. When I was an alderman and a regional councillor, we were in the same ward, he as the school board trustee and I as the alderman, and I stand by the integrity and caring Ray Mulholland has for the school system any day of the week. He has been put in an untenable situation.

I'll tell you something else, too. If you want to talk about somebody who has truly represented the interests of the teachers in this case, make no mistake that Kelly Hayes, the president of the local elementary teachers' union, has done a phenomenal job, an outstanding job of speaking out not just on behalf of the students but also ensuring that the parents, through the media, understood why this strike wasn't just about teachers, it was about the school system; it was about our kids. At the last rally we had, last Friday, the first speaker up was a parent, the president of the parents' council at, I believe, Sir Wilfrid Laurier, and she spoke in favour and in support of where the teachers were, as did each of us who were there that day.

You see, the game—and it's in Hansard; some of us talked about this in 1995 and 1996 when you started to roll all this out. The game has been so clear. You turn off the tap at this level, and rather than be the one who takes the heat or makes the difficult decisions locally about what has to be cut in order to meet your funding formula, whether it's health care, education, social services or environmental protection, you stand back and let communities, and continue to let communities, tear themselves apart. This is not the fault of the trustees, this is not the fault of the teachers and it's certainly not the fault of the parents. The problem is your funding formula. There's not enough money to do all the things that need to be done and to give teachers a decent collective agreement. At least, that's the position Ray Mulholland has taken, and I want to tell you, having experienced other examples of the same thing, it's not hard to hear the ring of truth there.

We went through this with Henderson hospital. You told us all along the problem was local, and we ended up with our community torn between the members of the board of directors and the nurses, support staff, doctors and the community around Henderson hospital. What happened at the end of the day? Because we fought you, we got money to pay for the outstanding deficit that we said all along was the major problem here.

Hon Rob Sampson (Minister of Correctional Services): You did that?

Mr Christopherson: Yes, I stood with the community saying it was the fault of this government for not funding enough; you're absolutely right.

We went through the same thing with the HSR drivers. We watched regional council—more Hamiltonians—tearing themselves apart over a battle with the HSR drivers. Meanwhile Harris was sitting back on some beach somewhere laughing his rear end off because he got to say, "I'm the tax cutter," and local councillors, aldermen, school board trustees and hospital board trustees had to make the horrible decisions or had to explain to the community why there wasn't enough money to do all these things. That's really what that—

Interjection.

The Acting Speaker: Member for Stoney Creek, come to order.

Mr Christopherson: I know supporting this legislation risks this government's being able to say, "See, it wasn't really about money." That's why I want to take a fair bit of time to point out that it has been about money. It's about lack of money on the part of the provincial government in terms of transfer payments. That's what's really driving all this. I think that's why most parents were really torn about whether they wanted to see back-to-work legislation. They knew their child could only stay out so long before it was a crisis, and we all know how we feel about that as parents. But they also understood that just to order the teachers back, have a poisoned environment in the classroom without any evidence we had reached that tilting point yet, the tipping point of an ERC recommendation that the children's school year is in jeopardy, is what has brought us to this point.

Do you know what? We're going to be here again, because other communities are going to go through what we did in Hamilton, and at the end of the day it's going to be the same problem: not enough money for education. Lots of money for tax cuts—what did you give away? You gave away \$4 billion in corporate tax cuts. This is what we've got going on in Hamilton and soon what we are going to see in other communities across the province.

Yes, I intend to support this legislation based on what has happened here today. But I want to make clear that the reason we have these problems and will have ongoing problems is because the government is not giving enough money for kids' education, period.

Mr Dave Levac (Brant): I want to make a couple of points and pick up on what the members for Hamilton West and Hamilton East have said regarding their concerns on funding. I want to give the minister credit for trying to say we're going to try to make this fair and equitable. But what we're never told is that it's going to be fair and equitable, and less. Here's the situation that exists in the riding of Brant. Since 1995 there has been a total of 8% less money in our system for both public and separate school boards. That means 8% less money is being given to those children and used in all the different silos the minister is telling us they have the odd opportunity to do.

She also said she made a very strict decision to make sure special education grant money was untouchable and had to go to special education. But she didn't tell the public and the people of Ontario exactly how the ISA grants and the SEPPA grants work. As a principal on leave I had to go through the process before 1999. I spent maybe three quarters of my administrative time trying to put together the package. When the new system came in, I ended up with about seven qualified students who would be able to get the money.

2120

I think what happened across the province, using my example, is that the ministry found out that, "Uh-oh. We have lowered the bar or we've put the bar at such a stage that we have to give more money out to special ed. So what are we going to have to do to reduce that amount of

money that we are going to spend?" How they did that was they raised the bar on the ISA grants. That means that the children had to be extremely difficult to serve in order to get some of that money back. The ISA grants created a very large problem in most boards.

I'll use mine again as another example. The Brant-Haldimand-Norfolk Catholic school board ended up with \$500,000 less this year because of the ISA grant raising of the bar. The minister tries to tell us across the board that everybody got more money, while the public board, the Grand Erie District School Board, received \$1.2 million less because the ISA grant structure was raised to the point where the students who had been getting help were no longer getting help.

Then they said they poured the money in the SEPPA grant. The problem with the SEPPA grant is that it is based on the students it needs to serve. Therefore, even though they say they've put more money in that silo, they weren't getting it applied because there weren't many students to get that help.

They've declined the number of EAs that are available in the system by simply raising the bar of the ISA grant.

The amount of time that was spent by secretaries, by special-ed teachers, by principals, by administrators to put that process to work cost us hundreds of thousands of dollars in administrative time to try to make sure those grant structures were in place. The one board I spoke of had about an 89% approval rating when they still got \$500,000 less in their system to hire EAs to help those children who need special help. That's another example of how less money was put into the system as this minister tries to tell the rest of the people of Ontario that they're getting lots more money.

Let me talk about the changes that this minister has said they have continually put into the system. I want to tell you about a change that has happened in the boards across the province in terms of morale. The idea that there's a battle going on with the boards and with the teachers across the province was explained very clearly by both the members from Hamilton East and Hamilton West. There's an agenda here. There's an agenda of blame. The agenda of blame seems to simply say, "If we can create this little problem that somebody has to take credit for, let's do so." By doing that, they basically say to the parents, "Hey, parents, go blame your school board. Go blame your teachers. It is not our fault."

But they took more money out of the system than they gave. Since 1995, we've got 8% less money in Brant. Since 1995, there's less money overall in the system for the types of things that are necessary to have proper collective agreements. The minister would like to tell us it's got everything to do with living beyond your means: "These guys are living way beyond their means, and we put the brakes on that." How do you put the brakes on that? You don't put any money into the system. You drain the system of the money that's necessary to come up with these appropriate negotiated settlements across the province.

Before 1995, 97% of the contracts were settled without work stoppages—3%. Since 1995, I dare to say—and I agree with the member from Niagara, who indicated this very clearly—we've had an inordinate number of work stoppages. It had nothing to do with the boards. It had nothing to do with the teachers. It had everything to do with the fact that the government continues to zap the system of the money that's necessary to provide the services, particularly to students who are in special-needs circumstances, to make it a level playing field for their educational purposes.

The fact that 8% less money is now in the system in Brant speaks very lowly of the fact that the government is going to start taking credit for putting more money into the system. By facts, since 1995, 8% less money is in the system of Brant county right now.

Hon Mr Stockwell: Understand, about this piece of legislation that's before you today that the Minister of Education introduced for me earlier, this is just standard procedure. Every government has used the same approach when it came to teacher strikes. The Education Relations Committee, at some point during the strike, if agreement can't be reached, suggests that there's jeopardy. When they suggest there's jeopardy, every government before this government moved legislation to order the teachers back to work. It is just that simple.

I understand that some of the comments being made are politically motivated, but let's be very clear that there is nothing unusual about this legislation, regardless of the histrionics from the member for Hamilton East and his attitude about what's going on. The fact of the matter remains that this is no different from any other government.

The question they have opposite is that it has to do with money. Well, what a shock. Money. That's what 99.9% of strikes are all about. They're all about money, Mr Speaker. I say to you, every time they went on strike when the Liberals were in government, it was about money. If you wanted to flow them a whole whack of dough, you could have settled any strike in 15 minutes. That's the simple reality. I know the Minister of Education will say the same and I know the members in the caucus understand. If you want to flow millions of dollars to school boards who happen to be in a situation of a strike or a lockout, you can settle all the strikes all the time. The problem is, if you take that approach, you'll be flowing money at every board during every negotiation because they'll want money to settle the strike. That's how it works.

The difficulty we have is there are terms and conditions set down that we must abide by, and we have. When we were in opposition and jeopardy was declared, the same routine was brought forward. The government would bring a bill—

Mr Agostino: After 16 days.

Hon Mr Stockwell: Look. The members may caterwaul about 16 days. I don't control the education committee, and I know the members opposite know it and your members who were in government then will know it

too. You have no control over the education committee. None whatsoever. They make their decisions by themselves. When they make their decisions, it's completely up to them. It's their discretion. We don't even talk to them. So when they issued the letter today, it came to us without any advance notice. The fact of the matter is they are a commission at arm's length that makes decisions when jeopardy occurs. When and if, and probably never, they ever get into government, they'll understand that. Ask Mr Bradley, and Mr Conway, who was an education minister. He'll tell you. That's the way the system works.

So then you introduce legislation to order them back to work, unanimous consent is granted, one day's debate and they're back to school because they're in jeopardy. Because Mr Kormos had his two-hour hissy fit, we are now in a situation of seeing the students not being allowed to go back to school because he sucked his thumb for two hours and two more days are going to be left out. Two more days are going to be left out and they're going to be left out of school and put in jeopardy to lose their year because he decided to be upset for two hours. That's what it came down to: two hours. So two hours he could sit there saying no and 40,000 kids have the potential to lose their school year. I'm not really certain if you consider that to be an appropriate parliamentary legislative approach, but you can. I don't.

I know when we were in opposition and the ERC came in with jeopardy, we supported back-to-work legislation. We didn't move before the ERC moved; we moved after. The only complaint they could offer was if we moved beforehand. We are cognizant of that fact and we moved after the fact, and we still didn't guarantee the kids their rightful education and the potential not to lose a year because Mr Kormos decided, in his own goodwill,

for two hours he was going to rule Ontario and rain on 40,000 kids' school year.

Well, Mr Kormos, you've done it. Congratulations. You've now cost them two more days. You've cost the parents two more days; you've cost the families two more days. We would have had the bill today through first, second, third, proclaimed and back to school tomorrow. I don't think we're going to get this bill back. Mr Kormos, you were in a government that did the same thing. The only time you found it fit to stand up and be counted for your socialist moral principles is when you sat in a third party without any clout to carry them out. When you sat over here, maybe you should have found the intestinal fortitude to stand up, when you were a government. You cost those kids those days of school. Make no mistake, it's on your hands.

The Acting Speaker: Pursuant to an order of the House passed earlier this evening, I am now required to put the question.

Mr Agostino: Who are you really for, Chris?

The Acting Speaker: Order. When I am standing, usually I am talking. That means nobody else does.

Mrs Ecker has moved second reading of Bill 145, An Act to resolve a labour dispute between the Elementary Teachers' Federation of Ontario and the Hamilton-Wentworth District School Board.

Is it the pleasure of the House that the motion carry?

All those in favour say "aye."

All those opposed say "nay."

In my opinion, the ayes have it. The motion is carried.

It being after 9:30, this House stands adjourned until 1:30 of the clock tomorrow.

The House adjourned at 2130.

**LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton East / -Est	Agostino, Dominic (L)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton Mountain	Bountrogianni, Marie (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Beaches-East York	Lankin, Frances (ND)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiles, de la Culture et des Loisirs, ministre déléguée aux Affaires des personnes âgées et à la Condition féminine
Brampton Centre / -Centre	Spina, Joseph (PC)		
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Burlington	Jackson, Hon / L'hon Cameron (PC) Minister of Tourism / ministre du Tourisme	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Cambridge	Martiniuk, Gerry (PC)		
Chatham-Kent Essex	Hoy, Pat (L)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Davenport	Ruprecht, Tony (L)	Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
Don Valley East / -Est	Caplan, David (L)		
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Minister of Transportation / ministre des Transports	Leeds-Grenville	Runciman, Hon / L'hon Robert W. (PC) Minister of Consumer and Com- mercial Relations / ministre de la Consommation et du Commerce
Dufferin-Peel- Wellington-Grey	Tilson, David (PC)		
Durham	O'Toole, John R. (PC)	London North Centre / London-Centre-Nord	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Eglinton-Lawrence	Colle, Mike (L)	London West / -Ouest	Wood, Bob (PC)
Elgin-Middlesex-London	Peters, Steve (L)	London-Fanshawe	Mazzilli, Frank (PC)
Erie-Lincoln	Hudak, Hon / L'hon Tim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines	Markham	Tsubouchi, Hon / L'hon David H. (PC) Solicitor General / solliciteur général
Essex	Crozier, Bruce (L)	Mississauga Centre / -Centre	Sampson, Hon / L'hon Rob (PC) Minister of Correctional Services / ministre des Services correctionnels
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of Labour / ministre du Travail	Mississauga East / -Est	DeFaria, Carl (PC)
Etobicoke North / -Nord	Hastings, John (PC)	Mississauga South / -Sud	Marland, Hon / L'hon Margaret (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion		
Halton	Chudleigh, Ted (PC)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga West / -Ouest	Snobelen, Hon / L'hon John (PC) Minister of Natural Resources / ministre des Richesses naturelles	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Scarborough East / -Est	Gilchrist, Steve (PC)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Minister of the Environment / ministre de l'Environnement
Niagara Falls	Maves, Bart (PC)	Scarborough-Agincourt	Phillips, Gerry (L)
Nickel Belt	Martel, Shelley (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Nipissing	Harris, Hon / L'hon Michael D. (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe North / -Nord	Dunlop, Garfield (PC)
Northumberland	Galt, Doug (PC)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister without Portfolio / ministre sans portefeuille	St Catharines	Bradley, James J. (L)
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	St Paul's	Bryant, Michael (L)
Oshawa	Ouellette, Jerry J. (PC)	Stoney Creek	Clark, Brad (PC)
Ottawa Centre / -Centre	Patten, Richard (L)	Stormont-Dundas- Charlottenburgh	Clearly, John C. (L)
Ottawa-Orléans	Coburn, Brian (PC)	Sudbury	Bartolucci, Rick (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay- Superior North / -Nord	Gravelle, Michael (L)
Oxford	Hardeman, Hon / L'hon Ernie (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	Eves, Hon / L'hon Ernie L. (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Peterborough	Stewart, R. Gary (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Education / ministre de l'Éducation	Vaughan-King-Aurora	Palladini, Hon / L'hon Al (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Prince Edward-Hastings	Parsons, Ernie (L)	Waterloo-Wellington	Arnott, Ted (PC)
Renfrew-Nipissing- Pembroke	Conway, Sean G. (L)	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
		Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 20 November 2000

FIRST READINGS

Back to School Act (Hamilton District School Board), 2000, Bill 145, <i>Mr Stockwell</i>	
Mrs Ecker	5597
Agreed to	5597

SECOND READINGS

Continued Protection for Property Taxpayers Act, 2000, Bill 140, <i>Mr Eves</i>	
Mr Young	5593
Debate adjourned	5596
Back to School Act (Hamilton District School Board), 2000, Bill 145, <i>Mr Stockwell</i>	
Mrs Ecker	5597
Mr McMeekin	5601
Mr Kormos	5604
Mr Agostino	5608
Mr Christopherson	5611
Mr Levac	5613
Mr Stockwell	5614
Agreed to	5615

TABLE DES MATIÈRES

Lundi 20 novembre 2000

PREMIÈRE LECTURE

Loi de 2000 sur le retour à l'école (Hamilton-Wentworth District School Board), projet de loi 145, <i>M. Stockwell</i>	
Adoptée	5597

DEUXIÈME LECTURE

Loi de 2000 poursuivant les mesures de protection des contribuables fonciers, projet de loi 140, <i>M. Eves</i>	
Débat ajourné	5596
Loi de 2000 sur le retour à l'école (Hamilton-Wentworth District School Board), projet de loi 145, <i>M. Stockwell</i>	
Adoptée	5615

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of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

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(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 21 November 2000

Mardi 21 novembre 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 21 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 21 novembre 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ST JOSEPH'S VILLA

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I rise this afternoon to speak about St Joseph's Villa, a schedule D non-profit long-term-care facility in Dundas, which currently serves some 389 residents. The demographics of this facility are changing considerably. Increasingly, the residents are older and more vulnerable. Because of those changing demographics, like some other schedule D facilities in Ontario, there's a need for facility enhancements or rebuilding. In fact, some 13,500 units are scheduled to be rebuilt. To this government's credit, there has been a commitment of some \$18 million of \$29 million in funding. They're doing a good thing but too slowly.

The problem is that the non-profit sector, unlike acute care facilities, is hamstrung in terms of their ability to raise funds. In this particular case, because the provincial government funding is over 20 years, the total cost of the project will approach \$51 million.

I'd like to call on the provincial government today to revisit this policy and see if there's some way these kinds of facilities could be treated in a fashion similar to acute care facilities like hospitals, where 70% of the funding is front-loaded. That would make it easier for the very good thing this government wants to do to happen more quickly.

SCOUTS CANADA

Mr John O'Toole (Durham): It's my privilege to rise today and speak about Saturday, November 18, when Scouts Canada had their awards ceremony for the White Pine region. It was held at Bowmanville High School in my riding of Durham. It's just a wonderful opportunity to speak positively about youth in our community.

Scouts Canada has long been known for its contribution to communities throughout Ontario and indeed across this great country. It teaches our young people the values of co-operation, resourcefulness and civic responsibility, among many other things. In short, it helps them become good citizens, and that is a goal to which we all

aspire. These values were honoured at this year's awards in Bowmanville.

I would like to recognize and thank Hugh Coutts, the district commissioner, for his role in the ceremony and his contribution to this wonderful organization. I'd also like to recognize those who received some 64 chief scout awards, including Michael Stroyan, Donald Bark, Jesse Gilbert, Derek Shafer, Benjamin Ronson, Mark Noel, Matthew Bowler and Lambert Barr.

Also on the chief scout list this year were Kevin and Sarah Connelly, Ryan Knowler, Andrew Norton, Matt Rodgers and Bobby Skan. Finally, I want to recognize David Baxter as the sole recipient of the Queen's Venturer award for the riding of Durham.

I know that all members of the House will join me in congratulating these young leaders for their achievements over the past year and in wishing them well in the future. This is another example of Ontario at work and the young people leading the way.

TAX REBATE

Mr Michael A. Brown (Algoma-Manitoulin): I want once again to bring to the attention of this House that approximately 800,000 senior citizens in this province will not be receiving the "Harris cheque." My office and the offices of my colleagues have been inundated with calls and inquiries regarding these cheques. To be clear, the Harris government does not believe the very people who worked hard, fought for this country, raised families in this province and built this province deserve the cheque. According to Mike Harris, 800,000 seniors don't deserve a cheque because they don't make enough money.

After all, in the Mike Harris Ontario, only income taxpayers count. These seniors, many of whom are facing escalating property tax bills, heating costs which might rise up to 50% this winter and who face a myriad of new user fees, will not receive a dime from the Mike Harris government. Income taxpayers will receive this Jesse Ventura-inspired vote buyer.

In fact, one of my constituents in a small town had his cheque hand-delivered by a neighbour. The cheque and all his personal, private tax information was conveniently sent to one of his neighbours so they could peruse it and deliver it personally. Now we know, seniors and any regard for personal privacy don't exist in Mike Harris's Ontario.

POLICE ASSOCIATION OF ONTARIO

Mr Frank Mazzilli (London-Fanshawe): I rise today, as I have in the past, to recognize the efforts of police services in making our communities safe in Ontario. Today I recognize the Police Association of Ontario, which has worked hard to keep our communities safe. The Ministry of the Solicitor General and the Police Association of Ontario have worked together with one common objective: to reduce crime in Ontario. As a government, we think we've been successful, but we could not have done it alone, without the hard work of the Police Association of Ontario.

I ask the House to recognize the members from the association: President Bruce Miller, Ted Thornley, Bob Baltin, Dave Kingston, Brenda Lawson, Brian Miller, Terry Ryan and Rick Houston.

The Police Association of Ontario was founded in 1933. It is the official voice and representative body of Ontario's front-line police personnel. It provides representation, resources and support for Ontario's 70 municipal police associations. Its membership is approximately 13,000.

I thank the Police Association of Ontario for sharing their commitment to safe streets and safe communities.

ANTI-CRIME LEGISLATION

Mr Michael Bryant (St Paul's): I am pleased to rise today and say, on behalf of Dalton McGuinty and the Ontario Liberals, we on this side of the House aren't just talking about crime, we're actually doing something about it.

Bill 6, introduced by Rick Bartolucci, the member for Sudbury, would have cracked down on child prostitution, pimps and johns. Yet that bill, which was supported by all members of the House at the end of the day, stalls. It will not go to third reading because this government won't let it become law.

Bill 67, supported by police associations all across Ontario, as is Bill 6, supported by police chiefs and associations, the Toronto Sun and the Toronto Star, would crack down on guns; 40% of the guns that end up being picked up by the police in cities like Toronto, Ottawa and Windsor. We would stop the proliferation of these BB guns, air guns, pellet guns and starter pistols. But this government wants to play politics. It has the support of everybody: the police, the chiefs, Ontarians. It has passed second reading. I urge the government: stop playing politics on this issue. Get out of your partisan bunker on behalf of the gun lobby and pass Bill 6 and Bill 67. The sooner they are passed, the sooner police and victims in Ontario will be safer.

YORK UNIVERSITY LABOUR DISPUTE

Mr Rosario Marchese (Trinity-Spadina): I have a letter from a Ms Ruppert, which I endorse, and I want to read for the record.

"Over 2,400 teaching assistants, course directors, and graduate assistants have been on strike since October 26, 2000. One major issue of the strike is job security for course directors, some of whom have been teaching at York University for 15+ years and still have to reapply for their jobs every year. In addition, teaching assistants like myself are resisting the administration's decision to remove tuition indexation from our contract. Tuition indexation has served to help offset rising graduate tuition. Graduate assistants at York University are asking for their first contract and have thus far only been offered a wage of \$4,500 for eight months' work. To define the context further, it is important to mention that graduate students at York University pay approximately \$5,200 of tuition per year. The administration's current offer leaves graduate assistants unable to pay tuition from their wages and teaching assistants with close to \$700 per month to live on.

"This is not a dispute that centres on wage increases that a fledgling employer cannot afford. Currently, York University is running an \$18-million surplus ... and the retention of qualified employees who have dedicated decades of their life to York. Instead, this dispute centres on York administration's unwillingness to ensure that graduate education remains accessible to all who wish to pursue it and that Canadian students receive the best possible learning environment."

I urge York University to deal fairly with these workers. I hope they come up with a settlement that treats them fairly.

1340

ROYAL AGRICULTURAL WINTER FAIR

Mr Bert Johnson (Perth-Middlesex): I rise today to recognize the world champion farmers from Perth county who received top honours at this year's Royal Agricultural Winter Fair, the highest-regarded fair in the world, I might say.

Lorne Fell, from Staffa, won first place for wheat seed. It was Lorne's 22nd world title. Brian Miller, also from Staffa, won his sixth title for oats. Warren Wolfe of RR5, Mitchell, was champion in white and coloured beans, and Warren's wife, Bernadine, placed second in this category.

Eileen Haig, of the St Marys area, was grand champion and reserve champion in both the classical male llama and classical female llama categories. Gerry De Groot, from the Wartburg area, did very well in the hog competition.

Seventeen-year-old Heather Anderson, a 4-H member from RR2 Tavistock, placed third in the intermediate showmanship category out of more than 140 competitors from across Canada.

I'd also like to congratulate 20-year-old Brian Innes, from the neighbouring county of Oxford. Brian won the Young Speakers for Agriculture competition. He spoke about the changing face of agriculture and preserving family farms.

I want to commend the farmers from Perth county, and indeed those from the surrounding area, who took part in this year's Royal Agricultural Winter Fair. Winning at this year's fair was especially gratifying for many farmers, given the low commodity prices and poor weather conditions they've had to endure.

Please join me in congratulating the award-winning farmers from Perth county.

POLICE ASSOCIATION OF ONTARIO

Mr Dave Levac (Brant): I would like to take the opportunity today to welcome in all our galleries all the police officers and staff who are present for the Police Association of Ontario's annual lobby day here at Queen's Park. A particular note to my good friends and colleagues, people I've grown up with as students and safety officers and everything, Mr Len Ellens and Mr Mark Ireland: I appreciate your presence here, gentlemen.

The Police Association of Ontario represents 13,000 police and civilian members of municipal police forces across the province who work hard day in and day out to ensure our communities remain safe and secure. Some have even lost their lives in the performance of their duties. To them and their families, I offer my heartfelt gratitude and prayers.

Today the PAO has come to Queen's Park, where they will speak to various members throughout the day, to discuss their concerns about both community and policing issues. These issues include amendments to the Employment Standards Act of Ontario to extend maternity and paternity leave to one year, so that it falls in line with new federal guidelines. They remain vocal in opposing the privatization of our jails and of themselves.

Furthermore, as a result of downloading, the OPP and municipal police forces are forced to compete for police contracts. There are now 30 fewer police forces in Ontario than there were five years ago. I firmly agree with the PAO that communities have the right to select the type of policing that is right for them.

I look forward to discussing these and other issues with members of the police association today and hope they can convince the government that their needs are the needs of our communities.

TORONTO MUNICIPAL ELECTION

Mr David Young (Willowdale): I'd like to take this opportunity to congratulate all the candidates for Toronto city council, the Toronto District School Board, the Toronto Catholic District School Board and, of course, the 26 candidates for mayor of the city of Toronto.

Municipal campaigns present special challenges for candidates. Unlike provincial and national candidates, who tie their political fortunes to party accomplishments, party platforms and party machinery, municipal candidates have only themselves and their records to rely on as they approach each and every door in their constituency.

That's why municipal campaigns are very daunting, and often humbling, experiences.

The candidates in Willowdale included John Filion and David Shiner, both of whom were returned as councillors. Against them were Ron Summers, Youval Zilberberg and Bernadette Michael. Judi Codd will be returning as the public school trustee. Dave Shory, Raj Manucha, Michael Del Grande, Tommaso Stenta, Joshua Colle—another successful candidate—Marnie Ferguson, Phillip Horgan and Scott Cusimano also put their names forward, as did Nick Dominelli, Ryan Ward and Bill Higgins.

I'd like to take a moment before I conclude my remarks to also mention the fact that Joan King and Norm Gardner will be retiring, both of whom have served their respective communities for a considerable period of time. They will be missed.

I know that over the next three years I'll have the opportunity to work with the successful candidates, all of whom I consider excellent individuals, and I look forward to having that opportunity.

SPECIAL REPORT, PROVINCIAL AUDITOR

The Speaker (Hon Gary Carr): I beg to inform the House that I have today laid upon the table the Special Report of the Provincial Auditor on Accountability and Value for Money.

INTRODUCTION OF BILLS

CANADIAN NATIONAL EXHIBITION ASSOCIATION ACT, 2000

Mr Kells moved first reading of the following bill:
Bill Pr32, An Act respecting the Canadian National Exhibition Association.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

MUNICIPAL AMENDMENT ACT (ADULT ENTERTAINMENT PARLOURS), 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES MUNICIPALITÉS (LOCAUX DE DIVERTISSEMENT POUR ADULTES)

Mr Bartolucci moved first reading of the following bill:

Bill 146, An Act to amend the Municipal Act with respect to adult entertainment parlours / Projet de loi 146, Loi modifiant la Loi sur les municipalités à l'égard des locaux de divertissement pour adultes.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

Carried.

The member for a short statement.

Mr Rick Bartolucci (Sudbury): This bill amends section 225 of the Municipal Act relating to adult entertainment parlours. It prohibits a person from operating such parlours unless they are issued a licence to do so by the municipality. It includes a requirement that the applicant for a licence not have been found guilty under the Criminal Code of Canada of keeping a common bawdy house, of living off the avails of prostitution in relationship to the adult entertainment parlour or of participating in organized crime.

The bill also prohibits a person licensed to operate an adult entertainment parlour from employing a person who is under 18 years of age or who does not hold a licence to work or perform or provide services in the parlour.

The bill amends the definition of "adult entertainment parlour" to include premises from which dates, escorts or nude or partially nude dancing are arranged for a fee and in which telephone, electronic or Internet sex lines are available.

The bill adds section 226 to the act. This section gives local municipalities the power to pass bylaws requiring persons to be licensed to work, perform or provide services in an adult entertainment parlour.

A person is prohibited from providing such services in a municipality unless a person holds a licence issued by that municipality. A person must be at least 18 years of age in order to be issued such a licence and have qualifications similar to those required to hold a licence to operate an adult entertainment parlour.

The licence issued by the municipality must contain a picture of the licensee and the licensee's date of birth. A person who works in an adult entertainment parlour must have that licence available at the parlour at all times while working and produce it for inspection upon request by a peace officer.

A person who is under 18 and is working in an adult entertainment parlour may be apprehended by a peace officer and brought to a place that is a place of safety within the meaning of the Child and Family Services Act. A person who is conveyed to a place of safety under these provisions may be detained for up to five days and shall be subject to part III of the Child and Family Services Act.

In conclusion, the penalty for any violation is, "on a first offence, a fine of not less than \$20,000 and not more than \$100,000 or to imprisonment not exceeding six months," and, "on a subsequent offence, a fine of not less than \$50,000 and not more than \$250,000 or to imprisonment not exceeding one year, or both."

Finally, the municipality will revoke the licence upon conviction and also inform the Liquor Licence Board of Ontario of that revocation.

1350

STATEMENTS BY THE MINISTRY AND RESPONSES

APPRECIATION OF POLICE

Hon Michael D. Harris (Premier): I wish to rise today to speak on behalf of all the people of Ontario. I want to pay tribute to Ontario's police officers, the brave men and women who risk their lives in the service of others. Like so many in this province, I consider the work of our police officers to be a noble calling, one of the highest forms of public service.

Here in Ontario, we are especially fortunate because we are served by outstanding officers of the law, the dedicated men and women of our province's police forces. They are, in my opinion, the best of the best. They are our everyday heroes and we depend on them every day. To them, risking their lives is part of the job. They do it without question and they do it without hesitation.

That's why I want to take a moment to say on behalf of the people of Ontario: thank you.

We count on Ontario's police officers constantly. We count on them instinctively. That's why I want them to know they can count on us. The overwhelming majority of the people of Ontario share, I believe, this sentiment—not all of them, and I say that sadly. To those who disagree, I want to ask you a couple of questions. What kind of society have we built if we forget or if we disregard those who risk their lives to protect us? What kind of society have we built if we tip the balance against the police and in favour of those who commit crime? What kind of message does harsh and constant criticism of our police send to those who choose to live outside the law? What does it say to our children? They must understand from the outset who are the good guys and who are the criminals.

When it comes to taking sides between lawbreakers and those who enforce the law, or between victims and their assailants, let there be no doubt where this government stands. We stand for the victims, and we will continue to work to uphold and enhance their rights. We stand for the men and the women who risk their lives to enforce the law and to keep the public peace. We will continue to give them, to the best of our ability, all the support and resources they need to do their job, which is to ensure the safety of the people of this province.

That's why we've moved to meet the changing needs of police officers all across this province. That's why, through the community policing partnership program, Solicitor General David Tsubouchi has announced a long-term commitment of \$35 million per year that is putting more than 1,000 new police officers on Ontario's streets. I'm pleased as well to announce to the House today that we reached our initial goal of 1,000 new officers on November 6 of this year.

Later in this session, Attorney General Jim Flaherty will be introducing legislation designed to address organized crime and to seize and freeze assets that have been acquired through illegal activity. Yesterday, Correctional Services Minister Rob Sampson introduced new legislation to further reform our prison, parole and probation system. These reforms include drug and alcohol testing for parolees and prisoners and the requirement that prisoners earn any remission of their sentences.

We have also launched a new and determined \$4-million-a-year campaign to fight organized crime in Ontario. We've improved public safety with initiatives such as the Sergeant Rick McDonald Memorial Act, which imposes tough new penalties for those who flee the police.

Our police officers not only serve our communities; they and their families are also valued members of our communities. When these families suffer a tragedy, we all feel the pain. That's why we have established and continue to support the public safety officers' survivors scholarship fund. This fund grants scholarships to relatives of officers killed in the line of duty, enabling them to complete their education despite the loss of an important family member.

We have also renewed the mandate of the Crime Control Commission. One of the commissioners is Frank Mazzilli, the member for London-Fanshawe, who is a former London police officer and now the parliamentary assistant to the Solicitor General. David Tilson, the member for Dufferin-Peel-Wellington-Grey and the parliamentary assistant to the Attorney General, also serves as a commissioner.

Already in this term we have fulfilled our Blueprint commitment to introduce a Parental Responsibility Act.

Together with police officers and concerned citizens across Canada, we will continue to fight for changes at the federal level as well, including scrapping the existing laws governing young offenders and replacing them with tough and effective new measures; repealing the "discount law" that routinely lets offenders out of prison after serving only two thirds of their terms; repealing the "faint hope" clause that causes victims and their families so much trauma and so much grief; and stopping the practice of giving federal pardons to sex offenders.

Last spring I helped unveil the memorial to 200 Ontario police officers killed while serving others. At the time we all hoped and we all prayed that no new names would be added to that number. Sadly, since that time another officer, OPP Sergeant Marg Eve, was killed in the line of duty. Like her fallen colleagues, Sergeant Eve will be missed dearly by her family and by her colleagues and friends. As with all police heroes who have fallen, she will be remembered by all of us in this Legislature. The people of Ontario indeed will not forget the price these brave men and women have paid.

The police officers we pay tribute to with this memorial have made the ultimate sacrifice. They have earned our gratitude, our respect and now the place of honour we have created for them a thousandfold. The

police memorial ensures they will forever be regarded as heroes in life, not death.

Today I urge every member of this assembly to recognize the contributions made by the members of Ontario's police forces past and present. I invite them all to find the time in their busy schedules to visit the police memorial and to take a moment to remember the more than 200 brave men and women who served their communities at the cost of their lives. At the same time, I encourage the people of Ontario to support their local police, to remember the dangers they willingly face every day and to give them the respect they have earned.

Hon David H. Tsubouchi (Solicitor General): Today I rise not only to support the Premier in his comments concerning our police services, but also because I want to bring to the attention of the Legislature a fact that the Premier omitted from his remarks.

I'm sure the members will be interested in learning that earlier today the Police Association of Ontario honoured the Premier with a special award, recognizing his continued commitment to law enforcement.

In presenting this award, Bruce Miller, president of the PAO, cited many of the government's achievements under the leadership of Mike Harris, achievements that help to create an Ontario in which citizens not only are safe, but also feel safe.

As part of the Mike Harris team, I've been privileged to support the initiatives that are giving our police the tools they need to do their job, a job that is sadly becoming more difficult and more dangerous every day.

As the Premier has mentioned, we've kept our promise to put 1,000 net new police officers on Ontario's streets. In fact, just last week I presented a cheque, along with Tina Molinari, to the York Regional Police Service, to Police Chief Bob Middaugh. Also present, of course, was the association representative, Dave Kingston. This cheque represented the one thousandth police officer, as the Premier has indicated before. We also introduced the Sergeant Rick McDonald Memorial Act.

1400

It was at the very sad occasion of the funeral of Rick McDonald that the Premier and I had a chance to speak to the family, and the representative there as well, Brian Kingsley. It was at that time that both the Premier and I committed to bring forward legislation that would address the problem. I'm happy to say that we did pass the Sergeant Rick McDonald Memorial Act with the support of all members of this Legislature.

We have also honoured our fallen police officers with the Ontario Police Memorial. All this shows is that we are on the side of the police officers and we care about our police officers.

We've also taken action to enhance public safety in Ontario when the federal government has refused to act. For example, I was proud to introduce Christopher's Law, an act which received the unanimous support, again, of the members of this House, which establishes Canada's first provincial sex offender registry.

I know I speak on behalf of my colleagues Attorney General Jim Flaherty, Correctional Minister Rob Sampson and all of my caucus colleagues as well when I say that we are committed to ensuring that Ontario has safe streets in safe communities.

At the same time, we must all understand that while the government passes laws and provides resources, it is the brave men and women of our municipal and provincial police services who are on the front line every day. We rely on their dedication and bravery, and I welcome the opportunity to join the Premier in saying to them, thank you for your work; thank you for your sacrifices on our behalf.

In closing, let me once again congratulate the Premier on receiving this very special recognition award from the Police Association of Ontario.

The Speaker (Hon Gary Carr): Responses?

Mr Dalton McGuinty (Leader of the Opposition):

On behalf of the members of the Ontario Liberal caucus, I want to offer my words of support and thanks to the men and women of Ontario's police services. Let me say directly to the officers present in the gallery today and to all those watching these proceedings on TV, for your courage, your sacrifice and your dedication, for your strong commitment to serving our communities, we thank you.

Words are important, but we in the Liberal caucus know that words alone will never be enough. We believe that fighting crime starts with actions, not words. That's why we took the lead on banning replica guns in Ontario. When Michael Bryant first proposed it, the Solicitor General and Attorney General laughed. I am proud to say that our bill will soon be law and our police and our broader public will be the safer for it.

Because we believe fighting crime takes action and not words alone, we fought hard to end the Harris government's practice of allowing criminals sentenced to jail for fraud and drug trafficking and drunk driving to serve their sentences outside of jail, in a place much more comfortable, like their homes. When we first raised this matter, the corrections minister said we were wrong. After we provided additional evidence, it was the minister who was forced to admit that he was wrong. I am proud to say that because of Ontario Liberals and the work of my caucus colleague Dave Levac, the drive-by window has been taken out of Ontario's jails.

When it comes to victims of crime, it was Ontario Liberals who came to the aid of the surviving family members of that tragic OC Transpo shooting. You will recall that when I first raised the fact that Mike Harris's transition team was attempting to thwart the will of the people of Ottawa to give compensation to the families of those who had survived a terrible shooting, both the Attorney General and the Minister of Municipal Affairs refused to stand up for victims.

There is so much more that this government could be doing to fight crime and make our streets safer here in Ontario.

The Harris government talks tough about young offenders, as the Premier just did, but when it comes to enforcing the law, it becomes clear they are all talk and no action. In 1998-99, that fiscal year, Ontario only bumped up six young offenders into adult court. During the same period of time, Manitoba moved 29 young offenders up to adult court, Alberta moved 20 young offenders up to adult court and Quebec moved 23 young offenders up to adult court. But apparently here in Ontario, there is no such desire or appetite on the part of this government.

There is so much more this government could be doing to fight crime and make our streets safer here in Ontario. They could support tougher penalties for customers of child prostitutes, as Rick Bartolucci has proposed in his private member's bill. They could adopt Pat Hoy's school bus safety bill. They could listen to our police who oppose this government's plan to privatize our jails because, like us, they understand that privatization means a greater number of escapes, putting our public at greater risk.

This government might join us in putting a stop to the expansion of private police services in Ontario. Unlike the former Solicitor General, who thought private policing was an appropriate way to reduce government costs, I understand that there is a world of difference between a trained police officer and a security guard.

If the Harris government was really interested in public safety, they would take themselves out of the holster of the gun lobby once and for all. That means taking guns out of the hands of our 12-year-olds. It means allowing judges to take guns out of the hands of men who beat their wives, something this government refuses to do. It means supporting, not opposing, gun control.

Ontario Liberals have offered real solutions to both prevent and punish crime. While we've been tough on crime, the Harris government has proven time after time that it's just tough on talk. The Harris government is content to lay blame at the feet of Ottawa, but we happen to believe there is still much more for this Legislature to do when it comes to making our families and our police safe. I assure you that we will continue to do that work on behalf of those people.

Mr Howard Hampton (Kenora-Rainy River): I want to say a word directly to police officers across Ontario. I think police officers across Ontario ought to know that they enjoy the support and the respect of citizens across this province, that every day we thank them for the work they do, every day we thank them for their devotion to our safety, our security. We especially appreciate their devotion to their duty. I want every police officer in the province to know that.

I also want to take the time to respond directly to some of the Premier's comments, because while the Premier said that he wanted to congratulate and support police officers, there are a number of problems with his statement.

First of all, the Premier says that his government stands for victims. The only piece of legislation passed by this government with respect to victims was in fact reviewed by judges in Ontario courts who have said that you've done nothing for victims, that the legislation you passed is hollow. It is superficial. It grants no rights and no protections to victims. There is an ongoing need, if this government says that it stands for victims, to actually do something—not just to say something, but to do something.

The government says it is proud that, through the community policing partnership program, new officers will be added to police forces across Ontario. There's a little bit more information that needs to be made open to the public on this issue as well. Municipality after municipality across this province has been very clear and very outspoken on the fact that because of this government's downloading of ambulance services—you set standards here but the funding level is down here—because of your downloading of the responsibility for clean water and for sewage treatment, because of your downloading of the costs of seniors' housing and social housing and the downloading of dozens of other community services, most municipalities in this province don't know where they're going to get the money to be able to participate in the partnership program. They honestly don't know where they're going to find the money, never mind the money to operate the ambulances, never mind the money to ensure their citizens will be drinking clean, safe drinking water.

1410

The Premier refers to corrections. The auditor today, in a special report—to my knowledge, the first time an auditor of Ontario has had to release a special report—has said your ministry of corrections is in a state of chaos. While the number of inmates is going down, the cost of operating the system is going up, and there is no rhyme or reason to why these costs are so out of line.

Then you talked about organized crime. In your mention of organized crime, I wish you had pointed out that the Criminal Intelligence Service Ontario has said the biggest threat from organized crime in this province is its infiltration of solid waste companies, its infiltration of companies that handle hazardous waste. They believe it is a problem that seriously threatens the safety of Ontario citizens. Your government has been silent, except for your close relationship with one of the major solid waste landfill site companies, WMI, a company that has been fined hundreds of millions of dollars in the United States.

You talked about parental responsibility. I have a challenge, Premier. You know that police officers here today have asked your government to increase parental leave because hundreds, perhaps thousands of female officers, who we pay tens of thousands of dollars to train, are leaving police services because there is not adequate parental leave for them to spend time with their children and their families. If you care seriously about parental responsibility, extend parental leave, as police officers across the province have asked you to do.

I want to say again to the officers, thank you for your devotion to duty; and to the government, we'll continue to hold you accountable.

Mr Peter Kormos (Niagara Centre): I want to join with the leader of the NDP, Howard Hampton, in expressing our high regard for police officers, but also our commitment to work with police officers and other partners within communities across Ontario to make Ontario a safer place for all our citizenry. That's why, when it came to impoundment rules for suspended drivers, we wanted the government to toughen up its legislation to ensure that impoundment was a consequence for suspended drivers caught in repeat offences. But the government didn't want anything to do with—

The Speaker: Order. It is now time for question period.

Mr Michael Bryant (St Paul's): On a point of order, Speaker: Given the unanimity in this House in terms of our respect and admiration for the police services, and given the unanimous support in this House for Bill 67, I seek unanimous consent for third reading of Bill 67 by month's end.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Mr Rick Bartolucci (Sudbury): On a point of order, Speaker: The Solicitor General in his comments indicated that police officers need the tools in order to do their job. We are in agreement with that. In fact, police officers from across Ontario have told the Premier, the Solicitor General and the Attorney General that Bill 6, An Act to protect Children involved in Prostitution, is necessary for them to do their job. I ask for unanimous consent that this be called before the general government committee immediately.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Speaker: I seek unanimous consent to give second and third readings to Bill 122, An Act to amend the Highway Traffic Act to increase the penalties for driving with a suspended licence, introduced by Mr Bartolucci.

The Speaker: Consent? I'm afraid I heard some noes.

Mr Bartolucci: On a point of order, Speaker: On December 9, 1999, I introduced Bill 32, An Act to amend—

Interjection.

The Speaker: Order. Would the member take his seat. The member for Brampton Centre is not going to shout out like that. I will handle it. It's a point of order. Yesterday your Minister of Education did points of order to get the same thing. I'm going to hear the point of order. Please don't shout out again.

The member for Sudbury.

Mr Bartolucci: Thank you, Speaker. On December 9, 1999, I introduced Bill 32, An Act to amend the Highway Traffic Act to require a driver's licence to be suspended if a motor vehicle is used when purchasing sexual

services from a child. I ask now that it be referred to the committee on general government immediately.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Mr Pat Hoy (Chatham-Kent Essex): On a point of order, Mr Speaker: I would like to seek unanimous consent that Bill 24, my school safety bill, be referred to the general government committee.

The Speaker: Is there unanimous consent? I heard some noes.

Mrs Sandra Pupatello (Windsor West): On a point of order, Mr Speaker: In May of this year, the Raves Act, 2000, was passed in this House during private member's bills and has not yet been called to the committee of social justice. I would like that bill to be called if I could ask for unanimous consent to do that.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

The Minister of Correctional Services on a point of order.

Hon Rob Sampson (Minister of Correctional Services):—important bill for correctional services. I ask for unanimous consent for second and third reading of that bill today.

The Speaker: Is there unanimous consent?
Interjections.

The Speaker: With all the noise, I couldn't hear. I'll ask again. Is there unanimous consent? I'm afraid I heard some noes.

ORAL QUESTIONS

SPECIAL REPORT, PROVINCIAL AUDITOR

Mr Dalton McGuinty (Leader of the Opposition): My question today is for the Premier. We believe that we have a solemn duty to protect the safety of the people of this province. Today the Provincial Auditor tells us, time and time again, that people's lives are at risk because of your government's negligence. His report is chock full of evidence.

First of all, let's deal with your government's abysmal record when it comes to the matter of land ambulances in Ontario. In 1998, more than one-half of our land ambulances did not meet response times. In 1999, in more than 60% of the cases, they did not make the standard. The auditor is now telling us that your disastrous plan to dump the responsibility of land ambulances on to our municipalities could make things still worse.

Premier, lives are at risk. In the face of the Provincial Auditor's report today, and his comments on this matter, will you now scrap your plan to download ambulance services and instead do your job, protect public safety and start by fixing the system that we have?

Hon Michael D. Harris (Premier): I appreciate the question, and I appreciate the interventions of the auditor to give us advice in all of these areas, including the Ministry of Health, including land ambulances.

I think you know that the government this year is spending about \$390 million for emergency health services in Ontario; \$280 million for land ambulance services, substantially more than has been spent by any other government in Ontario's history. Indeed, we have not downloaded full responsibility for land ambulance services. Instead, what we have proposed to do is to work—and committed to working—with municipalities in developing a new partnership to improve ambulance services and to ensure high quality, responsive and seamless services are in place by 2001. We are working with that. Municipalities, for the most part, are quite excited about this opportunity.

1420

Mr McGuinty: I can tell you, Premier, that municipalities and the Provincial Auditor are not excited about the opportunities. Take a look at page 10 of the auditor's report and look at the auditor's specific comments when he says, "Our major concerns were: Land ambulance services were being downloaded to municipalities at a time when over 50% of land ambulance operators were not meeting response time requirements."

Take a look at the report. The auditor tells us there's another way in which you're putting the health of Ontarians at risk. He tells us there has been a 41% cut in the number of inspections at our toxic waste dumps. He tells us there has been a 64% cut in the number of inspections at our water treatment plants. He tells us there has been a 25% cut in the number of inspectors to do the job of protecting our environment. The auditor says you're not preventing environmental disasters; you're sitting around and waiting for them to happen, and the people of Walkerton have paid a terrible price for your negligence.

Will you now stop putting lives at risk and start putting in place the inspectors and enforcement officers we've been asking you to put in place for some six months now?

Hon Mr Harris: Let me reference, first of all, your comment about land ambulances and municipalities. As you will know, many municipalities operated the services previously. The new 50-50 funding formula is in tune with our partnership model. Speaking about the transfer of responsibility, here is what one mayor said: "We'll want to get the best bang from the buck, and the best way to do that is to run it ourselves." That was McMeekin in the Hamilton Spectator, September 18, 1987. Mr McMeekin also said that moving to a fully integrated ambulance service reduced duplication and costs and dramatically decreased response time.

We appreciate the auditor's intervention, and we are moving exactly to increased service, to improved service and to improved accountability.

With respect to the Ministry of the Environment, which was the second part of your question, again we appreciate the auditor's report. I think the auditor himself references a number of initiatives we've taken in this area and acknowledges—

The Speaker (Hon Gary Carr): Order. The Premier's time is up. Final supplementary.

Mr McGuinty: The auditor is telling you, Premier—and I would recommend you take the time to actually look at his report—that you are placing public safety at risk. He's telling you that you are endangering Ontario lives. That's what he's telling you.

He's also talking about a very important issue: the safety of our children. He says you're doing a very lousy job when it comes to inspecting school buses. He says that you care more about saving a few bucks on inspections than protecting the safety of our children. He says you're not inspecting enough buses and, on top of that, you're not doing enough to keep tabs on the high-risk operations here in Ontario.

You want to take a chance with our kids' safety, you're taking a chance with the safety of our sick who want to be rushed at the earliest possible opportunity to the closest hospital, and you're taking a chance with the health and well-being of all of us by refusing to stand up for the environment. When are you going to do what the Provincial Auditor has asked you to do, which is to start protecting public safety?

Hon Mr Harris: The question involves a whole bunch of areas of the auditor's report. Perhaps to put it into perspective, the auditor, while identifying some areas that need correction, particularly in the Ministry of the Environment, which you commented on in your supplementary, applauds the initiatives we have taken with the Givens report and a number of initiatives to improve standards and services. He also, as you know, points out the abysmal record we inherited. I can go back to your own government, to auditor's reports when Jim Bradley was Minister of Environment, where the Provincial Auditor pointed out that a number of areas were not at all being investigated.

Mr Gerry Phillips (Scarborough-Agincourt): Name one. You can't. You're all confused.

Hon Mr Harris: If you would like me to name one, I would be happy to. It says right here in the auditor's report, 1987, then-Minister Jim Bradley—

The Speaker: I'm afraid the Premier's time is up.

Interjections.

The Speaker: Order. New question.

Mr McGuinty: Premier, that dog just won't hunt any more. Start acting like the Premier. Start acting like the leader of the government. Start taking responsibility for the actions of your government.

You know something else the Provincial Auditor tells us? Not only is this government failing to protect people, it's failing to protect our people's money. My second question is about those high rollers over at Agricorp. Instead of administering crop insurance, it's playing craps with the public purse. The auditor's telling us that Agricorp was playing the markets in hopes of making a quick buck and it quickly lost \$325,000 in two weeks. I'd like to hear from the guardian of the public purse, the champion of the taxpayers' interests, how it is that his government was standing on guard for taxpayers when Agricorp lost \$325,000.

Hon Mr Harris: I think this very issue has been asked a number of times in this Legislature. The Minister of Agriculture responded on a number of occasions and acknowledged at the time that Agricorp acted inappropriately and that the board acted inappropriately, and those people are no longer working for the government of Ontario.

Mr McGuinty: I can see why the Premier wants to get this behind him, but let's bring out a few more of the facts because they're really very, very delicious.

Premier, when farmers invest in crop insurance they expect that the money will be available to them should they happen upon hard times and need the money. Not only did Agricorp lose \$325,000, it actually paid somebody \$400,000 to lose that money for them. The auditor says that an investment adviser was paid \$400,000 for—and this has got to be the understatement of the year—advice that “was of little value.”

Premier, the advice wasn't only lousy, it was against the law. The auditor says that the adviser was suggesting investments that Agricorp was prohibited, by law, from making. That's \$325,000 lost on bad investments and \$400,000 lost on bad advice.

Premier, again, how can you boast about protecting the interests of taxpayers when this sort of stuff happened right under your nose?

Hon Mr Harris: In this case, the Minister of Agriculture has already reported to you the full report from Agricorp. In fact, Agricorp reported in good faith. They obtained legal advice, entered into a three-way agreement—the Minister of Agriculture and Agri-Food Canada—to access a portion of the interest earned on the crop insurance fund. The auditor, by the way, subsequently said he didn't think that was appropriate. Neither did we think it was appropriate when it was brought to our attention. That's why the money has been returned to the access funds; it's been returned with interest, and that employee is no longer with the government.

Mr McGuinty: It gets better still. I've so far talked about \$725,000 lost by Agricorp, but that's really small potatoes when you compare it to the \$14 million put at risk. The auditor says that Agricorp paid \$14 million for a reinsurance scheme that wasn't put to tender—it may not have been necessary—not to mention the improper expense and travel claims or the fact that after six vision statements in three years, Agricorp still doesn't seem to have a clue of what it's all about. Premier, who's advising these guys? Your friends over at the ORC?

Let's put this all together: \$725,000 lost; \$14 million spent which probably never should have been spent in the first place, and that matter was never put to tender. We've got improper expense and travel claims. I can understand, Premier, why you want to put this matter behind you and you want to move on to other issues, but don't you think the appropriate thing to do in all the circumstances is to ask the Ontario Provincial Police to conduct an investigation into this matter?

Hon Mr Harris: I'd be happy to accept the advice and see if the OPP thinks it's appropriate. In the mean-

time, this is an issue that the minister himself has come forward with, acknowledged, dealt with, and the person responsible is no longer with the government.

1430

The Speaker (Hon Gary Carr): New question.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. If you haven't read this special report of the Provincial Auditor, you ought to read it now, because the Provincial Auditor wants to know why it is under your government the ambulance services of the province have become a threat to life instead of a lifesaver. He wants to know why under your government the ambulance service can no longer even meet the 1996 standards. He wants to know why under your government, in too many communities across this province, ambulances with gravely ill patients wait at the emergency ward for up to 45 minutes before they can deliver their patient. What's your response to the auditor? Why have ambulance services in this province deteriorated so badly under your government?

Hon Mr Harris: I think the auditor's report says nothing of the kind. The auditor's report points out that even though we have given significant increases in funding to ambulance services directly, even though municipalities have contributed increased funding to ambulance services directly, still there are areas of the ambulance system that are not meeting all the standards we expect of them. That was the case when we took office, and it is still the case now, although better we believe.

We do have a plan, which I think the auditor and many municipalities have acknowledged is in place. As I indicated, many mayors and reeves understand that if we get accountability, municipalities feel they will do a better job. We are full 50-50 funding partners of this. We appreciate the auditor's pointing out these things. As you know, we have dealt with a number of them, and we are confident that, once and for all, unlike the five-year period of your government, we can have an ambulance system that will meet the standards they did not meet—

The Speaker: Order. The Premier's time is up. Supplementary.

Mr Hampton: Premier, your line sounds fine, except the auditor directly contradicts it. This is what he says about your so-called realigned service, the one you're downloading on to municipalities. He says, "The realigned land ambulance system may not provide a balanced and integrated system of services and may be more costly to Ontarians." He doesn't refer to the 1990s or the 1980s. He points out that the deterioration has been since 1996. You were the government in 1996, Premier.

How many more inquests like the Fleuelling inquest is it going to take before you recognize that your strategy of, first of all, creating problems in health services and then trying to download the problems on to municipalities is not going to work? That's the point the auditor is making, that your whole strategy, first of all, of mismanaging the ambulance service and then downloading the problem is wrong-headed. What's it going to take? How many coroners' inquests will it take to persuade you

that you're headed in the wrong direction and you're putting more lives at risk?

Hon Mr Harris: What the auditor points out is that you had no standards. In 1996, we recognized that. It was all over the map. Municipalities provided some, the government provided some, hospitals provided some and private sector operators provided some of the services. There were no standards. In 1996, we brought in new, improved, more strict, more responsive standards that had to be applied all across the province. At the same time, we are looking at a uniform administration. The auditor is right. It's not "may" be more costly, it will be more costly because we are improving and trying to meet far higher standards than we ever did in the past. We think that's important. We think that's what Ontarians want. Now that we finally have a standard that's public, transparent—something you refused to do—we can move toward that goal.

Mr Hampton: Premier, you can try to spin the line again, but it's right here in the auditor's report on page 10 that you are underfunding the system right now by \$53 million. That's what you're handing off to municipalities, a system that is underfunded by \$53 million a year. He says in this report that the uncoordinated system that's going to result because of your downloading is not going to improve services; it's going to make services worse. Everything he says in this report is a condemnation of your government's handling of this critical health care service.

What is it going to take to convince you that Ontario needs an integrated ambulance service, not one that is spread all over the map depending upon this municipality or that municipality? You're putting lives at risk. That's what the auditor says, and the plan of downloading is going to put more lives at risk. When are you going to realize you're wrong and reverse a direction, a strategy, that is going to harm more citizens in Ontario? That's what the auditor wants to know.

Hon Mr Harris: Let's take the city of Toronto, for example. The NDP had 50-50 funding with the city of Toronto; we have 50-50 funding with the city of Toronto. So there is no change there. What has changed is that we have set standards. We have, previous to the latest announcement, increased funding by about 30% over and above what you funded ambulance services, including the city of Toronto. The minister has announced since the auditor's investigation an additional \$30 million over and above the 30% increase we've already given. Why? Because we set a new, higher standard.

I happen to agree with the former mayor of Flamborough, who said, when we would have municipalities be responsible, "We believe that by moving to a fully integrated ambulance service"—as the auditor has called for, as we announced, as the former mayor of Flamborough, now the Liberal member for that area, has indicated—"we could reduce duplication, reduce costs and dramatically decrease response time." He's excited about the potential, he says, and—

The Speaker: Order. The Premier's time is up. New question.

Mr Hampton: Now for one of your more-money boondoggles: the auditor reports that your appointees, your friends at Agricorp, took \$325,000 of farmers' money and blew it on speculation on the stock market. Then, he points out, your friends, your appointees at Agricorp, tried to take \$10 million out of the fund to protect farmers and use it to cover up their excessive administrative costs.

Where was your Minister of Agriculture in all of this? He was nowhere. The auditor had to step in and blow the whistle.

Premier, how is it that your Minister of Agriculture, your government, would allow \$10 million to be spent inappropriately, \$300,000 to be blown improperly on the stock market, and neither your Minister of Agriculture nor anyone in your government had a word to say about it? Where were you, Premier?

Hon Mr Harris: As I've already indicated in response to your very original question that has been asked about five times over the last number of months—and I've just given the answer—the Minister of Agriculture did intervene, and even though the board had a legal opinion that felt it was appropriate, our Minister of Agriculture sided with the auditor and said, "We don't think it was appropriate." He ordered restitution, which we did. We returned the \$10 million, with interest, and at the same time made changes to those operations because we believe, as you believe, as the auditor believes, as I think the whole public would acknowledge, something inappropriate took place there, and that's why that person is no longer with the government.

Mr Hampton: Once again the auditor completely contradicts your story. The auditor—and I'll quote him here—said he became so concerned about Agricorp's repeated attempts to "violate its fiduciary responsibility," to act illegally, that they had to intervene. Your Minister of Agriculture was nowhere to be found; your office was nowhere to be found. The auditor had to seek independent legal advice and read the riot act to your friends in Agricorp before they would stop spending money illegally.

The question is, Premier, where was your Minister of Agriculture and where were you when your appointed friends at Agricorp were prepared to break the law to cover up their own financial boondoggles and their own administrative incompetence? And why did the auditor have to come in and blow the whistle on it?

Hon Mr Harris: I thought the word was "fiduciary," but you're a lawyer; you would know a lot better than I. I would like to say that I've answered this question. We believe they acted inappropriately, and we took the appropriate action to correct that and to make sure it won't happen again.

1440

AMBULANCE SERVICES

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Premier, whose response to the audi-

tor's report on the land ambulance system is absolutely incredible. The auditor today delivered a scathing condemnation of your failure to deliver adequate land ambulance services.

Two weeks ago, Dalton McGuinty stood in this House and asked you if it was safe to download this vital service. You said, "Yes, it's safe." The auditor today clearly says it's not. The Premier today said they put a higher standard in place in 1996. Not so. All you did in 1996 was expect operators to meet the standard of what they were actually doing in 1996, and they haven't even been able to do that.

Let me repeat the facts from the auditor's report. In 1998, two years after you supposedly brought in this higher standard, 50% of land ambulance operators did not meet legally required response times. For the first half of 1999, six months further on your watch, the failure to meet those standards was up to 60% of operators. All you required was that they get back to where they were in 1996. It's gotten worse on your watch. People's lives are at risk because ambulance response times in this province are too slow.

Will you tell us, in the face of this evidence of the inadequacy of our ambulance service, of how unsafe the ambulance service is, why are you proceeding to download this inadequate, unsafe service on to our municipalities?

Hon Michael D. Harris (Premier): It was hard to hear the question over the yelling of the member from Windsor West, but I believe it would be a question appropriate for the Minister of Health.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): Perhaps the member opposite does not recall the fact that the province has not been delivering ambulance services. We only had 10. Prior to the changes that were made, maybe you recall that 69 of them were operated by the private sector, 64 by hospitals, 13 by volunteers and 17 by municipalities. So what we have endeavoured to do is ensure that there is greater accountability within the system, that we are putting in place a seamless, integrated system of delivery of ambulance services.

We believe the municipalities are quite capable of delivering ambulance services, just as they do fire and police emergency services, so we are moving forward in that regard and we are continuing to meet—

The Speaker (Hon Gary Carr): Sorry, the minister's time is up. Supplementary.

Mrs McLeod: Minister, you set the standards and you also pay the bills, at least you do until January 1. In the entire time you've been the government responsible for this, you've not provided the resources necessary to maintain even a minimum standard of response times for our ambulance services.

You have been hearing from municipalities for months now. You've been hearing their concerns about the state of the ambulance system you're handing to them. They've been telling you exactly what the Provincial Auditor is telling you today in this report. The muni-

cipalities don't know how they're going to be able to afford to bring this totally inadequate ambulance service up to even minimal standards. The auditor says in this report that it will cost \$100 million more just to bring the ambulance system up to that 1996 standard you have so miserably failed to meet. Nobody has seen you put \$100 million on the table.

The conclusions of the auditor's report are absolutely clear and are of vital importance: ambulance response times are too slow. They've been getting worse on your watch. The municipalities simply can't afford to get their ambulance systems up to minimal standards. Will you stop the downloading and take the responsibility of putting a safe ambulance system in place?

Hon Mrs Witmer: I'd just like to quote from the Provincial Auditor's report of 1995, which says, "Ministry statistics indicated that in 1993-94, only three out of 21 central ambulance communication centres met current standards."

I want to tell the member that our government is working with municipalities to meet all standards. In fact, the member may not know that there have been meetings that have been ongoing, co-chaired by my parliamentary assistant, Brad Clark. They had a meeting on November 16. They are reviewing the response time standards. They are reviewing the standards for a transfer class of ambulance service and a variety of operational standards.

I'm very pleased to say that we have put forward to the municipalities \$30 million, and obviously we've committed to 50% funding to meet all standards.

MANDATORY DRUG TESTING

Mrs Julia Munro (York North): My question is for the Minister of Correctional Services. Many constituents of mine in York North have expressed a deep concern over public safety. There are so many aspects of this complex issue that our government has worked on, but there is still more to do. To promote safety in our communities, as well as assisting those in our communities who need addiction treatment, why is it important to ensure that mandatory drug testing of inmates is a necessary step in our quest for safer streets?

Hon Rob Sampson (Minister of Correctional Services): It's quite simple. It's very important for us to have an extensive drug-testing program in the institutions just like it's important outside the institutions, I say to the member from Parkdale. It's important to make sure we have very active control over the use of drugs, illegal or otherwise, in order to make sure we have effective treatment programs. I know the members from the various police associations who are watching here today know it's very easy to get drugs in the institutions around this province. Unfortunately, that is the case. We need to make sure we can start to identify the presence of illegal drugs, and drugs in any case, in jails so we can get a better handle on how to deal with that.

Mrs Munro: In tackling this complicated and dangerous issue, we need to bring this issue into the forefront on

all sides of this House. The Liberal opposition has objected to drug testing individuals who are receiving social assistance which, without doing so, will hinder their ability to get treatment for their addiction illness. Do you feel there would be opposition to this initiative and, if so, what would it be?

Hon Mr Sampson: I suspect there will be opposition. Just a few minutes ago I asked for second and third readings—and we didn't receive that from the opposition benches in this House—of the very important bill that will allow us not only to deal with the terrible incidence of drugs in our institutions, but also finally to deal, at least in our jurisdiction, with the discount law we have been actively asking the federal Liberals to discontinue, but they have not listened. So we will say that in Ontario you will not be able to get out of jail unless you have earned the right to be released early.

I wish the federal Liberals would take some action and get rid of the discount law in its entirety. But in the absence of that action—and, frankly, I don't hear federal Liberals speaking to this point during the election—we'll do what we can in Ontario to make sure that any release from jail, whether it's through parole or early release remission, is earned.

AGRICORP

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. On October 2 in this Legislature, I asked the Minister of Agriculture very specifically, "Minister, can you tell us why, on your watch, you permitted people at Agricorp to play with farmers' insurance money and lose \$300,000?" Your minister replied as follows: "I want to assure the member opposite and all the farmers in Ontario that at no time was any money that was designated for the farm assistance program or the farm safety net program in danger or used for these purposes."

Today in the auditor's report on page 26, the auditor makes the following finding: "AgriCorp also inappropriately used funds held for the Ministry of Agriculture, Food and Rural Affairs in its daily trading strategy." It used \$2.9 million, which "came from funds held for the ministry to make payments under the Ontario whole farm relief program."

This money is designated for a very special purpose. Farmers contribute this money to make sure it's there and available to them should they fall on hard times. This money was used in a day-trading scheme which resulted in the loss of \$300,000. When I put this question to the minister, he said that at no time was this specially earmarked insurance money ever at risk. The auditor tells us today that, in fact, it was. Premier, what are you going to do about this?

Hon Michael D. Harris (Premier): I'm going to ask the Minister of Agriculture to answer it yet again.

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I want to say to the Leader of the Opposition that at the time I was quoted as saying

that at no time was farmers' money put at risk—I want to assure the member opposite that what the auditor had discussed with us at that time was the amount the people at Agricorp had used in day trading out of their administrative funds. Later on it turned out that the auditor, in further investigation, found they had in fact bought a large bond using some of the money we had given them to send out the cheques. They had included some of that. That is where the \$61,000 loss comes from. Immediately upon that being reported, we put the money back to make sure the farmers were not put at risk.

1450

Mr McGuinty: Minister, I don't know if you recognize the seriousness of this matter. I asked you specifically in this House if at any time insurance monies that farmers had placed in this insurance program, which were specifically earmarked to help them should they fall on hard times, were ever put at risk. You said, "No, that money was never at risk."

The Provincial Auditor tells us today, very specifically, that those same funds were in fact placed at risk. Agricorp had a special fiduciary responsibility to protect this insurance money for farmers. I asked you about that, and you said that at no time was this money placed at risk. You have compromised your credibility. I think the appropriate thing to do, in the circumstances, is for you to resign.

Hon Mr Hardeman: On that issue, I would suggest that maybe the Leader of the Opposition should read the report of the auditor. I totally agree with the auditor's report. But I want to point out to the members of this Legislature and to the farmers of Ontario that in fact the insurance money we spoke of is in the crop insurance plan, in which there are farmers' contributions, federal government contributions and provincial government contributions, which are to be used to pay out crop insurance.

The money the auditor is referring to is in fact whole farm relief money, which is totally government money which was sent to Agricorp because they issue the cheques for the whole farm relief program. The applications are not processed by Agricorp; they only issue the cheques. I want to assure the member opposite that at no time was farmers' money, the premiums they had paid, ever put at risk in this—

The Speaker (Hon Gary Carr): The minister's time is up.

POST-SECONDARY EDUCATION INFRASTRUCTURE

Mrs Brenda Elliott (Guelph-Wellington): My question is for the Minister of Training, Colleges and Universities. Our government recently committed over \$1 billion in infrastructure investment in our colleges and universities through the SuperBuild initiative. This is a historic commitment and one that will certainly strengthen the future of our post-secondary institutions. In my own riding of Guelph-Wellington, we've been pleased to

receive over \$50 million at our wonderful University of Guelph.

Our attention today is turned to the auditor's report. As in all areas of government spending, it is important for all concerned, especially Ontario's taxpayers, that we ensure this substantial investment is spent efficiently and effectively. Your ministry took the first step towards ensuring this money is prudently spent by choosing successful projects through a competitive process. Now that the winning SuperBuild projects have been chosen, our government must continue to ensure the efficient use of taxpayer's dollars through the life of the SuperBuild program.

In your ministry, what is the government doing to monitor SuperBuild funding and construction to ensure that our taxpayers do get the greatest value from this investment?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): The member from Guelph-Wellington is very much aware of what is happening across this province. I would like to add that all colleges and universities that have submitted and received SuperBuild awards must submit annual capital and investment reports. This will provide the public and our government with an overview of the state of infrastructure at our post-secondary institutions and allow for better planning and management. The project status reports are going to be received by the end of this month.

We are asking two things: first of all, the development status and, secondly, where is the private money? Has it in fact materialized?

What I'd like to emphasize is that this is the first time any government has asked for this kind of information, which should be ongoing with regard to the capital assets of this great province.

Mrs Elliott: I am pleased to see that you have considered carefully how this historic investment of \$1 billion will be monitored. These are investments in new construction.

Minister, as you know, in my riding many of the buildings on our university and college campuses are more than 30 years old. My president, Dr Rozanski, has met with me several times to talk about how to deal with the aging infrastructure. As the demand for post-secondary education increases, effectively using these facilities is as important as building new ones.

What is the government doing to ensure that our aging infrastructure in our colleges and universities is being kept to modern standards?

Hon Mrs Cunningham: We inherited a system that hadn't been given the kind of attention it needs. We know that new construction is not the only step that the government must take to support the future and the strength of our colleges and universities. That's why we are working also to maintain and upgrade our existing facilities. We want to make sure that the facilities are in good repair through record investments in the facilities renewal program. This is normally about \$40 million a year, but last year the finance minister awarded the col-

leges and universities some \$95 million, which is a 35% increase, to support the modernization of our facilities.

Again, regarding our facilities, our institutions must submit an annual capital plan and investment report. We want to ensure that the maintenance needs are kept up and that our colleges are working efficiently.

LABOUR LEGISLATION

Mr David Christopherson (Hamilton West): My question is to the Minister of Labour. As we speak we have on the floor of this Legislature Bill 69, which, as amended by your government, will give you broad, sweeping, dictatorial powers to eliminate construction unions at will. We have Bill 139 in front of the House—where you've now tabled the time allocation motion muzzling any further discussion—which is going to allow many employers to have legal immunity to walk away from their collective agreements and their obligations, and it will encourage employers to pressure workers to get rid of their union. On top of that, we know that in the next few days you're likely to introduce a bill that will change the Employment Standards Act to increase the hours of work to up to 60 hours a week.

Yet in the midst of all that, Minister, the other day you had the audacity to stand in your place and say that electing the Mike Harris government was the best thing that ever happened to workers. I want to know how you can justify that statement in light of the fact that every labour law you've introduced has taken away rights of workers.

Interruption.

The Speaker (Hon Gary Carr): Our friends in the galleries, we're very pleased to have you here and we understand that sometimes it gets emotional, but unfortunately you're not allowed to clap and participate. If you do it again, I'll have to clear the galleries. As I say, we enjoy having you here, but unfortunately you can't clap and participate in that manner. I'd appreciate your co-operation.

Start the clock. Sorry for the interruption, Minister of Labour.

Hon Chris Stockwell (Minister of Labour): I think it's fairly clear to most people in the province that the legislation adopted by this government has done a great deal in propelling the economy, creating jobs, creating opportunity, creating work, giving people an opportunity to get off welfare, to get off unemployment insurance and giving them jobs and prosperity in order to feed their families, pay their mortgage, pay their rent and do those things that are best for them. I appreciate the fact that you don't agree with the approach we're taking, but I think any balanced and unbiased individual who tried to compare your administration's goals and objectives and what they qualified and did as compared to ours would suggest categorically that this government has been a roaring success while you were a dismal failure.

Mr Christopherson: Minister, let me tell you, the rhetoric that you continue to use impresses no one. Let

me talk about real people, real individuals and real laws. On February 2 of this year, 10 electricians were fired from Drycore for the simple act of exercising their democratic right to join a union. Under legislation that existed when you took power in 1995, within a few weeks if not a few days, those individual workers would have been in front of the Ontario Labour Relations Board having their day in court. As a result of your changes they are not scheduled to have their day in court until at least January 17, 2001. Never mind the rhetoric. Tell me how those 10 electricians have been bettered in terms of your legislation when clearly their rights have been denied by labour laws that you've rammed through this Legislature.

1500

Hon Mr Stockwell: You know full well that, specifically before the Ontario Labour Relations Board, things are referred there at any number of times. We have a responsibility, being an arm's-length agency, that we not comment nor relay information on issues that are before the Ontario Labour Relations Board.

It's no secret that when you were in government, programs and processes also took some time before that board as well. The fact remains that they have their opportunity to appeal decisions. They may appeal those decisions before the Ontario Labour Relations Board. If in fact they were wronged in any way, shape or form, orders to comply will be issued to the company and they will be conformed with.

I don't believe we should be able to jump in and tell a quasi-judicial tribunal how to operate. I don't think you believe it, nor do I.

The Speaker: I'm afraid the minister's time is up.

AGRICORP

Mr Dalton McGuinty (Leader of the Opposition): My question again is for the Minister of Agriculture, and I want to return to the same matter I raised a few moments ago.

Minister, when I raised this matter with you in October of this year, you said that at no time was an insurance money placed at risk or used in this speculative scheme.

The Provincial Auditor prepares his report based on work completed by the end of March, fiscal year-end. Minister, are you telling me you had no inkling whatsoever that the Provincial Auditor had been inside Agricornp, was very concerned, had conducted a full inquiry and left no stone unturned, and yet when I put this question to you in October of this year, you had no knowledge whatsoever that insurance monies that had been set aside for farmers in Ontario, insurance monies that were impressed with a fiduciary trust, were at no time placed at risk?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I want to point out that I did meet with the Provincial Auditor when he started the value-for-money audit with Agricornp. He pointed out some of the concerns he was finding and made some

suggestions on what we could do to encourage Agricorp to correct some of the problems that were coming up. At that time, the auditor did not come out and itemize each item of where the concerns were, just in general terms that there were concerns as to the appropriateness of some of the action Agricorp was taking. It was from there on that we took what actions we could to make sure the systems were put in place at Agricorp and through Agricorp to make sure the farmers' money was properly protected.

Mr McGuinty: Minister, if I take you at your word—and that's not an easy thing to do given the information provided by the Provincial Auditor—why is it, then, that when you finally received information, which you say you did not have in your hands in October when I put this question to you, you did not at some point in time return to this Legislature and inform the House that some illegal activities had taken place, that monies were used inappropriately? Why is it that in September you sent a letter to Steve Peters, my caucus colleague, and again said no illegal activity took place when it came to this very matter?

Minister, your credibility is at stake here. You told us that at no time was this insurance money used in a way that would be illegal. The Provincial Auditor tells us clearly that in fact it was used in an illegal manner. I think it's your responsibility to take responsibility for this. I think the appropriate thing to do in all of the circumstances is to step aside.

Hon Mr Hardeman: I just want to point out that I'm not aware at this time that illegal activities took place. What I am aware of is that very inappropriate action was taken by the board and the management at Agricorp and that's why, in consultation with the Provincial Auditor and upon recommendations, we put the safeguards in place and the changes in place that were required.

But I think I do want to just quickly highlight for the members of the House and the Leader of the Opposition that in fact the auditor says, "Agricorp also inappropriately used funds held for the Ministry of Agriculture, Food and Rural Affairs in its daily trading strategy." That was the money that was put over at Agricorp so they could issue the cheques for the applications that were going through the whole farm relief program. That was not money—

The Speaker (Hon Gary Carr): Order. The minister's time is up.

CHILDREN'S SERVICES

Mr R. Gary Stewart (Peterborough): My question is for the minister responsible for children. Families in Ontario are fortunate to have a wide variety of supports available to them to help their children grow into strong, healthy and successful adults. But because there are so many different services for children funded by the Harris government, it is often difficult for parents to know where to begin. I'd like to be able to help the parents in my riding of Peterborough find the help they need for their children. Is there one easy source of information,

one easy way for parents to find the services they require?

Hon Margaret Marland (Minister without Portfolio [Children]): I thank the member for Peterborough for his question. Our government has made services for children a high priority, and so there are a great number of incredible supports in place for children and their families.

In the last five years alone, we've launched new programs like Healthy Babies, Healthy Children; our pre-school speech and language program; and of course we're currently developing a network of early child development and parenting initiatives.

We feel it's very important for families to know about these valuable supports in their communities and we wanted to make it easy for them to find the services they need. That's why, for the first time in the province's history, we actually have a directory of provincially funded services. It's the Children's Pathfinder. It is a central resource offering parents and families a snapshot of a wide range of children's services—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary.

Mr Stewart: I'm pleased to hear about the Children's Pathfinder reference book. In my own riding, we submit one for seniors, and I am a great believer in one-stop shopping. It's pretty difficult for parents or seniors to know where to go. If they have to run all around to access that information, I think it's very poor.

I know that many families in my community would find the guide very useful in helping them find supports for children in the Peterborough area. How can parents access the Children's Pathfinder? With the ever-growing list of government-funded services for children, is the guide totally comprehensive?

Hon Mrs Marland: I'm going to hold this up again, because people are able to hold up the auditor's report, and I don't think this is any kind of a demonstration.

The Pathfinder has been widely distributed to public libraries and community service agencies throughout the province. They can also find it on-line on our Web site at www.childsec.gov.on.ca. As a matter of fact, if they phone my office, we'll be very happy to mail it to them.

The Ontario Medical Association is so impressed with this Pathfinder directory of children's services that they have been distributing it through their doctors' offices, which is great.

You need to know that we plan, of course, to keep a list of our new services and supports as they continue to grow. We'll keep parents informed of new opportunities for their children and families. Especially now, with the implementation of our early years action plan, we will provide that updated information for them. I welcome the question on this important—

The Speaker: I'm afraid the minister's time is up.

LABOUR LEGISLATION

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Labour. Your destruction of the

labour movement and the destruction of the rights of working men and women continues. You're going to ram through Bill 69 any day. We're now dealing with Bill 139, which is going to have a devastating impact right across Ontario, but particularly on the building industry, on construction workers and people working in trades across this province. What this bill is going to do is lower wages in the industry. But even more dangerous and more damaging, it's going to increase the health and safety risks and unfortunately the death rate among Ontario construction workers.

Let me remind you of last year's statistics, Minister. Last year, out of 20 deaths in the construction industry, 18 of those occurred on non-unionized work sites. Let me remind you that if you work on a non-unionized construction site, your chances of injury are 250% greater than if you work on a unionized construction site.

1510

Clearly, with the changes you're proposing, with the changes you're going to make with the bill you have brought into this House, you are endangering the health and well-being and the lives of Ontario men and women who go to work in the morning to earn a living, take care of their families and want to come home at night in once piece. Can you explain why, in order to please your corporate friends, you're making these changes that are going to endanger the lives of Ontario construction workers?

Interruption.

The Speaker (Hon Gary Carr): The member take his seat. You've put me in a difficult position. There were some members who did clap—very few—and some who were very patient. I will say again, we love to have all the members come in here, but we can't have that. I'm not going to proceed to throw you out—

Interjection: Stop the clock.

The Speaker: Yes, sorry, stop the clock. I apologize.

I don't want to throw everyone out just because of a few members. I can't pick one out, but I would really appreciate your co-operation. I know you're very interested, but the situation will be that I'll have to clear the gallery and you won't be able to hear the answer. I would appreciate if our members in the galleries would co-operate. Thank you.

Sorry, Minister of Labour.

Hon Chris Stockwell (Minister of Labour): Bill 69 does not decertify unions.

Mr Agostino: Bill 139.

Hon Mr Stockwell: Oh, 139. You said 69. I'm sorry. Bill 139 is a bill that goes about allowing employees the opportunity of choice. I appreciate the fact you see that as a strictly decertification mode, but in conversations and in reading the reports from Mr Hargrove, there is some concern with respect to employees having an opportunity to choose to decertify one union in order to certify with another union.

The fact remains, I say to the member who asked the question—and I know the member for Kingston's very interested in this. I believe, and I think you would

believe, that employees should have an opportunity to choose how they're represented and who represents them. I don't think that's an unreasonable request. I think it's fair and democratic, and that's what the bill does.

Mr Agostino: What you're doing through this bill is allowing non-unionized companies and construction companies to go in and undercut the wages, undercut safety and their well-being when they're competing for jobs against unionized companies who pay higher wages and protect their workers. That is what you're doing. But you're doing all this with a backdrop of not one day, not one minute of public consultation. You've spoken to your business friends. We know they're in favour. You admitted during the press conference that this came at the request of business. Let me quote Shawn Chamberlin, president of the Hamilton and District Chamber of Commerce, who says, "This is pretty much everything we asked for." You're right. It is everything business asked for. It has nothing that's going to benefit labour and working men and women. These people here in the gallery today have a right to have some input into this legislation because it's going to hurt their well-being. It's going to damage them. It may ultimately kill more people in construction than are dying today as a result of workplace safety.

Minister, you owe it to working men and women. Will you today commit to give these people and other working Ontarians a chance for public hearings and input into this nasty piece of legislation you've brought into this House?

Hon Mr Stockwell: The member across the floor and myself have a fundamental disagreement, and the fundamental disagreement is simply this: when public institutions are tendering public works jobs, my wholehearted and firm belief is every taxpayer has a right to bid on that work. I don't know how you, in good conscience, can look your taxpayers in the eye and say, "The only way you can bid on public jobs is if you happen to carry a union card."

You're telling me that if we introduced a program that excluded unions from bidding on public works, you'd be upset. I agree, but you seem to think it's OK to do the exact opposite with hard-earned tax dollars, and I don't agree with that.

Interruption.

The Speaker: Order. Stop the clock. I'm afraid I'm going to have to ask the gentleman to leave.

Clear the galleries on this side, please. A five-minute recess while we clear the galleries.

The House recessed from 1515 to 1520.

The Speaker: If my memory serves me correctly, we were going to the government. I think there were about four minutes and 25 seconds on the clock.

PROVINCIAL PARKS RESERVATION SYSTEM

Mr Doug Galt (Northumberland): My question is directed to the Minister of Natural Resources. I've been enjoying the Ontario Parks Web site for some time now,

in the way it allows us to explore the Ontario parks by name, by location, by parks classification and by the kinds of activities available in the parks. I've also been impressed with the useful maps, the pictures and the virtual reality tours available on-line. But most importantly, I've been impressed by the reservation system.

I recall just a year or so ago that we tried a new system and the opposition yelled and screamed about a few problems that new system had. They were even, I think, calling for your resignation. Recently they've been very quiet about it because they understand that the Ontario parks reservation system recently won an award of excellence from the Canadian Information Productivity Association. Minister, can you tell us what this award recognizes and what it means?

Hon John Snobelen (Minister of Natural Resources): I thank the member from Northumberland for the excellent question. It comes somewhat as a surprise today, but I'd like to first inform the member that as far as I know, the opposition hasn't called for my resignation in quite a long time, although my record with the media is not quite so good.

Seriously, last week Canada's information technology experts formally recognized our reservation system—our IT system for our parks—as one of the best in North America and gave us an award for that. This will make our members across the way much happier. This award doesn't go to the minister; it goes to the people in the ministry who have made that information technology work and have made it the best system in Canada.

Interjections.

Mr Galt: It's very difficult to hear you telling us about this unique reservation service and about the national and international recognition it has received. Obviously the opposition doesn't like to hear good news. With all the tools available on-line, combined with the toll-free telephone and the in-park reservation and information services, I can see that the combination of these systems will no doubt result in better service for the people of Ontario and for visitors from around the world. A hallmark of this government is customer service. Common counters have all available government activities such as kiosks from MTO and kiosks for registering businesses. Can you tell us how the system has been working so far and how Ontario Parks and its customers have benefited from this new technology?

Hon Mr Snobelen: This is a very massive system, some 66 parks and 15,000 individual campsites are up on our system. We have 16-hour-a-day service on our phone system. We have 24-hour-a-day service on the Internet. It's a very innovative system. It's the best in North America and it has used the hard work and the creativity of our people at the Ministry of Natural Resources to bring this into reality.

We have over 800,000 hits on our park reservation system already, and we're able to make the majority of our reservations on the phone system by answering within 60 seconds of that call. It's a massive system, one we're quite proud of. I encourage anyone to take

advantage of this award-winning system by contacting us at 1-888-ONT-PARK or by visiting our Web site at www.ontarioparks.com.

PETITIONS

SAFE STREETS LEGISLATION

Mr Richard Patten (Ottawa Centre): I have a petition to the Legislative Assembly of Ontario.

"Whereas charities such as the Goodfellows, the Canadian Cystic Fibrosis Foundation, firefighters and many others participate in fundraisers on streets, sidewalks and parking lots;

"Whereas Bill 8 effectively bans these types of activities, putting police forces in the position of ignoring the law or hindering legitimate charities; and

"Whereas charitable organizations are dependent on these fundraisers to raise much-needed money and awareness;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We ask that the government of Ontario amend provincial legislation to allow charitable organizations to conduct fundraising campaigns on roadways, sidewalks and parking lots."

I am happy to affix my signature to this as well.

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): I have a petition regarding this government's ongoing discrimination against northern cancer patients. It reads as follows:

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of the newly formed OSECC, Ontarians Seeking Equal Cancer Care, founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

This has been signed by a number of constituents from my riding. I of course agree with them, and I'd like to thank Gerry Loughheed Jr for all his efforts in this regard.

HIGHWAY SAFETY

Mr John O'Toole (Durham): I'm very pleased to present, on behalf of the Catholic Women's League of Canada, Mrs Joan Loneragan, resolutions convenor for St Joseph's worker council, Catholic Women's League, and many people on here—Moir Ste Marie. It's to John O'Toole, MPP for Durham, and the Legislative Assembly of Ontario.

"Whereas motor vehicle accidents are the leading cause of death in North America; and

"Whereas studies conducted in the city of Toronto, the United States and Great Britain have reported that drivers using cell phones while operating a vehicle significantly increases the risk of collisions; and

"Whereas people talking on cell phones while driving may cause a 34% higher risk of having an accident;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario to ban the use of hand-held cellular phones, portable computers and fax machines while operating a motor vehicle. We further respectfully request that Bill 102,"—that's my bill—"An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway, be passed unanimously by all members of provincial Parliament of Ontario."

I'm pleased to endorse this, because I wrote it, but I'd like to support it.

ENVIRONMENTAL BILL OF RIGHTS

Mr Michael Gravelle (Thunder Bay-Superior North): I have an important petition sent to me by Dr Tom Puk, from Lakehead University, which petitions the Ontario Legislature to prescribe the Ministry of Education to the Environmental Bill of Rights without further delay. I will read it as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Environmental Bill of Rights was intended to give the citizens of Ontario a way of getting involved in environmental decision-making; and

"Whereas the Environmental Bill of Rights requires Ontario government ministries to develop a statement of values to 'guide the minister and the ministry staff when making decisions that affect the environment'; and

"Whereas the Ontario Ministry of Education has been exempted from the requirements of the Environmental Bill of Rights despite the importance of environmental education; and

"Whereas the Ministry of Education has eliminated environmental science as a stand-alone set of courses that focuses entirely on the science of the environment from the secondary school curriculum; and

"Whereas the Ministry of Education is responsible for developing educational policies that directly affect the

ecological literacy of future citizens and is, thus, partly responsible for the health of our environment; and

"Whereas the citizens of Ontario are being denied their right to shape the decisions being made about environmental education by the Ministry of Education's exclusion from the Environmental Bill of Rights;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to prescribe the Ministry of Education to the Environmental Bill of Rights without further delay."

I have signatures here from hundreds of constituents who are very concerned about this, and I'm very pleased to add my name to this petition.

1530

HIGHWAY SAFETY

Mr R. Gary Stewart (Peterborough): To the Legislative Assembly of Ontario:

"Whereas 13 people died during the first seven months of 1999 on Highway 401 between London and Windsor; and

"Whereas traffic levels on all sections of Highway 401 continue to increase; and

"Whereas Canada's number one trade and travel route was designed in the 1950s for fewer vehicles and lighter trucks; and

"Whereas road funding is almost completely paid through vehicle permit and driver licensing fees; and

"Whereas Ontario road users pay 28 cents per litre of tax on gasoline, adding up to \$2.7 billion in provincial gas taxes and over \$2.3 billion in federal gas taxes;

"We, the undersigned members of the Canadian Automobile Association and other residents of Ontario, respectfully request the Legislative Assembly of Ontario to immediately upgrade Highway 401 to at least a six-lane highway with full paved shoulders and rumble strips; and

"We respectfully request that the Legislative Assembly of Ontario place firm pressure on the federal government to invest its gasoline tax revenue in road safety improvements in Ontario."

I affix my signature.

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): This petition is to the Ontario Legislature and it's concerning northerners' demands that the Harris government eliminate the health care apartheid which is being practised in the province of Ontario right now.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

I sign this petition and give it to Tim Love from Peterborough to bring to the Chair.

PARENTAL LEAVE

Mr Gerry Martiniuk (Cambridge): I have a petition from 600 members of Cambridge riding to the Legislative Assembly of Ontario:

"Whereas the current government of Ontario hasn't taken any steps or action toward making any changes to Ontario's Employment Standards Act; the needed changes to the Employment Standards Act would ensure the right of an additional 17 weeks of parental leave. We request swift action from the Legislative Assembly of Ontario to make these changes to the Employment Standards Act so that these changes will be effective January 1, 2001;

"We, the undersigned, petition the Legislative Assembly of Ontario to ensure that Ontarians will be able to take advantage of additional paid parental leave that has been granted and approved by the federal government and which will take effect on January 1, 2001."

I sign and attach my name thereto.

LONG-TERM CARE

Mr Michael A. Brown (Algoma-Manitoulin): I have a large number of petitions to the Legislative Assembly of Ontario:

"Whereas the Espanola area services a population of 12,000 people and government statistics project a growth in population of people over the age of 75 to reach an estimated 336 people by the year 2003;

"Whereas the long-term formula for the distribution of long-term-care beds would indicate a need for between 59 and 76 beds by the year 2003;

"Whereas just 30 long-term-care beds exist in the Espanola area with the result that a lengthy waiting list already exists and people are being placed in long-term-care facilities far distant from their home communities;

"We, the undersigned, petition the Ontario Ministry of Health and Long-Term Care and the Ontario government to immediately approve a proposal by the Espanola General Hospital, supported by the Algoma, Cochrane, Manitoulin and Sudbury district health units, for an additional 34 long-term-care beds in Espanola."

This particular set of petitions is signed by mostly people from Espanola and the Webbwood area.

McMICHAEL CANADIAN ART COLLECTION

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to present a petition to the Legislative Assembly of Ontario, which reads as follows:

"Whereas the government of Ontario has introduced Bill 112, An Act to amend the McMichael Canadian Art Collection Act;

"Whereas the McMichael Canadian Art Collection has grown and evolved into one of Canada's best-loved and most important art gallery collections of Canadian art;

"Whereas the passage of Bill 112 would (1) constitute a breach of trust made with hundreds of other donors to the McMichael Canadian Art Collection; (2) negatively impact the ability of all cultural institutions in Ontario to attract donors to their collections; (3) vest too much power in the hands of the founders, who have been more than compensated for their generosity; (4) diminish the authority and responsibility of the board of trustees; (5) limit the focus of the art collection and hamper the gallery to raise private funds, thereby increasing its dependency on the taxpayers; and (6) significantly reduce its capacity and strength as an educational resource;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to withdraw Bill 112."

There are a number of signatures.

REGISTRATION OF VINTAGE CARS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): This is a petition to the Legislative Assembly of Ontario.

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles."

Having agreed to this, I'd like to put my name to it.

FRAIS DE TRANSPORT AUX FINS MÉDICALES

M^{me} Claudette Boyer (Ottawa-Vanier) : J'ai une pétition à l'Assemblée législative de l'Ontario des gens du nord qui exigent que le gouvernement Harris mette fin à l'apartheid en matière des soins de santé :

« Attendu que, d'une part, le programme de subventions accordées aux résidents du nord de l'Ontario pour frais de transport à des fins médicales offre un remboursement partiel au taux de 30,4 cents par kilomètre à aller seulement, à l'intention des personnes atteintes de cancer, et que, d'autre part, la politique de déplacement pour les gens du sud de l'Ontario rembourse en entier les coûts de transport, de repas, et d'hébergement ;

« Attendu qu'une tumeur cancéreuse ne connaît aucune politique de transport pour les soins de santé ni de région géographique ;

« Attendu qu'un sondage de recherche Oracle publié récemment confirme que 92 % des Ontariens » et des Ontariennes « appuient un financement égal de transport à des fins médicales ;

« Attendu que les résidents du nord de l'Ontario paient le même montant d'impôts et ont droit au même accès aux soins de santé, ainsi qu'à tous les services du gouvernement et à tous les droits de la personne inhérents que les autres résidents de la province ;

« Attendu que nous soutenons les efforts de l'OSECC (Ontarians Seeking Equal Cancer Care), une association récemment fondée par Gerry Loughheed Jr, ancien président de Action Cancer Ontario, région du nord-est, afin de redresser cette injustice envers les personnes du nord de l'Ontario qui doivent se déplacer pour recevoir des traitements anticancéreux ;

« En conséquence, il est résolu que les soussignés exigent que le gouvernement Mike Harris propose immédiatement de financer en entier les frais de transport à l'intention des résidents du nord de l'Ontario atteints de cancer et mette fin à l'apartheid qui existe présentement dans la province de l'Ontario en matière de soins de santé. »

Il me fait plaisir d'y apposer ma signature.

REMEMBRANCE DAY

Mr R. Gary Stewart (Peterborough): I have a petition that reads:

"Whereas it is important to honour the courageous memory and sacrifices of Canada's war dead and of our veterans who fought in defence of our national rights and freedoms;

"Whereas there is a need for succeeding generations of young, school age Canadians to learn more about the true meaning of Remembrance Day;

"Whereas Ontario veterans' associations have created excellent education materials for use in Ontario schools on the meaning and significance of Remembrance Day;

"Whereas the special Remembrance Day curriculum for all grades in Ontario's education system, developed on the basis of the programs by Ontario veterans' associations and involving their direct participation, would increase awareness of, and appreciation for, Canada's wartime sacrifices in the hearts and minds of all Ontario citizens;

"Therefore we, the undersigned, petition the Parliament of Ontario as follows:

"That the provincial Ministry of Education and Training ensure that a suitable Remembrance Day learning unit be included in the curriculum of all grades of Ontario's education system."

I endorse this petition 100%.

1540

ORDERS OF THE DAY

BACK TO SCHOOL ACT (HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD), 2000

LOI DE 2000 SUR LE RETOUR À L'ÉCOLE (HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD)

Mr Jackson, on behalf of Mr Stockwell, moved third reading of the following bill:

Bill 145, An Act to resolve a labour dispute between the Elementary Teachers' Federation of Ontario and the Hamilton-Wentworth District School Board / Projet de loi 145, Loi visant à régler le conflit de travail opposant la fédération appelée Elementary Teachers' Federation of Ontario et le conseil scolaire de district appelé Hamilton-Wentworth District School Board.

Hon Cameron Jackson (Minister of Tourism): Mr Speaker, I believe we have unanimous consent to divide this afternoon's time equally among the three caucuses, that at 5:50 this afternoon the question on third reading will be put, with no deferral of a division being permitted, that any division bell be limited to 10 minutes and that, having moved third reading, we respectfully submit that the member for Stoney Creek will lead off this afternoon's debate.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Mr Brad Clark (Stoney Creek): I found the debate last night in terms of the back-to-work legislation very interesting. I also found the process in terms of how we actually got here just as interesting.

We had four parents come down about a week ago. They sat in the House and actually saw the debate, and they expressed extreme frustration about the rhetoric and political posturing that was going on from all sides. They also found it very hard to understand what the facts were.

In the debate yesterday, we heard a great deal from the members of the opposition that we had created a crisis

and that all the problems with education and the labour disputes were the responsibility of the government.

If I may, I'd like to read into the record from Hansard: "Since the academic year 1975-76 to 1991, but not including this year, there have been some 56 strikes. During those 56 strikes we have held out of class 789,675 students and we have held them out for a total of 1,331 days, which is about seven school years. On average, we evict our students out of class for 24 days every year, the longest strike being about 56 days. In terms of an important statistic, we evict 50,000—in fact, it's 49,354—students every year for a strike and we evict them for one calendar month; in fact, a little more than one calendar month."

This was entered into the record Thursday, May 7, by the member for Ottawa South, Dalton McGuinty.

Mr Dominic Agostino (Hamilton East): What year was that?

Mr Clark: The member for Hamilton East asks, "What year was that?" It was 1992.

Yesterday, the member for Hamilton East was going on about how the crisis in education was totally created by our government. Looking at this, there have been labour disputes on an ongoing basis in education in every single government: a Tory government, a Liberal government, an NDP government and then our Tory government. Quite clearly, when you look at the stats, there have been ongoing labour disputes. It hasn't been one particular government that caused it.

A little bit of irony happens when you look at the past record. The member for Ottawa South read into the record, "My bill says that no strike or lockout can begin after October 31, again reflecting the fact that students are more sensitive to lost class time in the latter part of the year." This is the member for Ottawa South, and he stated back in 1992, when he was trying to get a bill through the House that would prevent teachers from striking, that after October 31 was when it became crucial.

It's interesting. I don't know what has changed in his mindset, because considering the fact that we have a heavier curriculum now today than we had back then, why wasn't the member asking for back-to-work legislation? Or why wasn't the leader of the official opposition questioning why they weren't back in school? Why wasn't he questioning whether or not there was jeopardy when the strike started on October 30? So the strike started on October 30 in 1992; the member said anything that happens after October 31 clearly begins to impact the school year. The member had that very clearly in his address back then.

We also heard a lot of interesting dialogue yesterday from the member for Hamilton East. I know he's going to follow me, so he can probably clarify some of this for us, because I'm sure we're all interested.

On August 23, on Michael Coren, the member for Hamilton East, Dominic Agostino, said, "Well, Michael, first of all, I hope it doesn't come down to a strike. I certainly hope that the government stops the teacher

bashing, gives the board the resources they need to come"—basically everything we've heard.

His response was to a question from a caller: "I'd like to know from the Liberal member, do you support teachers going on strike this fall if in fact it comes to that?" He went into this Liberal answer.

David Christopherson interrupted and said, "That's why he asked the question. That's why we need to ask again."

Michael Coren said, "A very Liberal answer."

Christopherson, above the din: "Answer yes or no."

Coren: "If they go on strike—"

Christopherson: "Just yes or no. If they're on strike will you, Agostino, support them?"

Tascona asks: "A simple yes or no."

Agostino answered: "I will walk the picket line with the teachers."

In the debate we're hearing the member for Hamilton East state that the kids come first, and the four parents who came down here were very upset about the political posturing. They have to ask, and they ask me consistently, "Why is it that no one's talking about the kids and their school year? All they're talking about is the rhetoric of politics." These are four parents, and the four parents have been very outspoken: Angela Bloomfield, Lisa Gibbons, Kim Hubbard, Sheri Nevitt. They were extremely outspoken and they stuck to something I have a great deal of respect for: they didn't take the side of the teachers; they didn't take the side of the board; they simply continually stated, "We want the kids back in school. Why aren't the kids back in school?"

But they did ask some interesting questions. If both sides wanted the kids in school, which the teachers' union and the board said, then why didn't they negotiate through the summer, July and August? It's been well reported that the negotiations didn't happen during July and August. If they wanted the kids to be in school, why wouldn't they have negotiated during the summertime?

They also asked the question—and the member for Hamilton East last night stated that I started caterwauling about asking for back-to-work legislation while they're in negotiations. Negotiations had broken down. I stated that if they didn't get back to the table and negotiate a settlement, I would ask for back-to-work legislation. They didn't go back to the table. Let me correct that: they went back for 14 hours and, as word has it from both sides, stared at each other and did nothing. So the negotiations had totally broken down, and that's why we asked for back-to-work legislation. I make no apologies about it. I asked for it, and I continue to state that this was the only way to resolve this situation.

The legislation that we have before us is a fair document. The legislation itself deals with a number of contingencies. It deals with the final vote; it allows that to happen. It deals with the actual arbitration, if necessary. It's all-encompassing. The fact of the matter is that the minister waited, as the member for Hamilton West stated very eloquently yesterday, until the ERC report came in. I give credit to the member for Hamilton West. That was

his position: he was going to wait for the ERC. I didn't agree with that position. As we had a new curriculum and there were no precedents from the ERC at this point in time, I felt it important to push for it.

As I've heard from some members, they're not even sure whether or not the ERC was dealing with the matter, because we hadn't heard anything. So by pushing for it, we caused the public debate. I don't apologize for that. I think 40,000 kids should be in school. I think everyone in this House agrees. There's no doubt about that.

1550

What is sad about all of this is the continuing rhetoric that it is continually our fault, that all of these problems about education are the government's fault. The reality is that funding has been increased for education. The reality is that every single government in the province of Ontario has had to deal with labour disputes between teachers' unions and boards of education—every single government. Mr McGuinty said it very clearly in 1992, and I do not dispute his facts at all. We were talking back then, in 1991, of 789,000 students who were pulled out in 56 different strikes, and all three governments had been in power previous to that. That says very clearly that it isn't just this government.

But what is also interesting is that Mr McGuinty gave another point which I found fascinating. "Between 1975 and 1997," he stated, "there were 3,600 sets of negotiations between teachers and their respective school boards. Of that, 104 situations resulted in either—I couldn't break this down any more than this—strike, work-to-rule, walkout or lockout. That turns out to be—I mean that's 3% out of the 3,600 sets of negotiations." Mr McGuinty states that 3% of the negotiations broke out in labour disputes. Gibbons responds, "What you're trying to say is that our school system has not in large measure been that disruptive." McGuinty said, "That's right."

On one side of the coin we're hearing the rhetoric in the House—and I understand partisan rhetoric—that this is the problem, that we're the ones who are causing the problems. But when Mr McGuinty is out and speaking to the press and being quizzed, he gives actual stats and facts. So very clearly only 3% of 3,600 sets of negotiations broke out into a strike, work-to-rule campaign or lockout. I look at that and I don't see that as being of a disruptive nature. I don't see that.

I think it's important for all of us to recognize that there is politics involved in the Legislative Assembly. What a surprise. But I think we should also recognize that when we're putting children first, that is a specific public interest for all of us.

We're at the point in Hamilton-Wentworth where the legislation has been drafted, it's passed second reading, and very clearly it covers all possible contingencies. As far as I'm concerned, I can't see any reason why any member in this House could logically, rationally or compassionately vote against it. If you're putting the kids first, you will vote in favour of it. If you're putting the kids first, you'll save the rhetoric, because the kids are going back to school. I would expect that the teachers

will act in a very professional way when they go back to school.

In closing, I'd like to read back into the record something that was published in 1992. I'm doing this for a specific point. The problems have been ongoing. This article was written in *Education Today* by Bruce Stewart under the heading "Does the Negotiation System Work Efficiently?"

"Certainly the perception of many participants in the process is that it does not. I have never experienced a labour relations environment where negotiations were so time-consuming, protracted and ultimately exhausting'....

"He goes on to say, 'One can fairly conclude that the system is not working efficiently when 70% to 80% of contracts are not resolved by contract expiry.' There's no other field of collective bargaining where we could have 70% to 80% of contracts not concluded by the expiration date. We're talking here about children and education.

"Behind the cold statistic of unresolved disputes, there are the dynamics of acrimony: teachers without a contract, the partisan rhetoric of media releases, the barrage of righteousness at fact-finding hearings; and gossip and discord in staff rooms and boardrooms. Invariably, the effects seep into the classroom, disrupting the educational environment."

This was read into the record on May 7, 1992. It sounds like something that would have been stated by the opposition today. It underscores the point that we will always have labour disputes from time to time in the province of Ontario with the teachers and the boards of education. We always have and we always will. But it also underscores the fact, and what Mr McGuinty said is, that it's a small percentage that ends up in walkouts and lockouts. It's a small percentage: 3% out of 3,600 sets of negotiations.

I encourage everyone in the House to support the bill as it goes through third reading. We want the children in Hamilton-Wentworth back in school. I support the bill wholeheartedly.

The Acting Speaker (Mr Tony Martin): Further debate?

Mrs Marie Bountrogianni (Hamilton Mountain): I listened very carefully to the remarks of my colleague from Stoney Creek. We may have a different definition of what rhetoric is. I'll try and stay away from rhetoric and give you my observations before and after my election in 1999 in the school system.

Mr Clark is right: there have been difficulties for years and years. But the extent of the difficulties since 1995 has been unprecedented, and I'll go into that.

First I want to say that on Monday I was at city hall in Hamilton. It was the day of the child and I was bringing greetings from the provincial government. Across the street, outside the board of education, the teachers were picketing, many of them parents of kids, on this National Child Day. Down the street the CCAC workers were picketing, again most of them women with children. As I was giving my greetings, I said, "What have we come to? Here it is National Child Day. Across the street teachers

are protesting and striking, and down the street CCAC workers are striking. At a time when we've balanced our books, what have we come to and why?"

My two kids have been at home for 17 days now. On Saturday they asked me, "What day is it?" They're confused. The member for Stoney Creek said 40,000 kids should be in school. I not only agree; I think 40,000 children should never have been out of school, and we have to analyze why.

On the weekend—and this is an observation, my colleague, not rhetoric; it's the truth—my daughter was reading the newspaper, all the editorials, all the teacher-bashing editorials. I thought, how unfair to her to go back into her classroom to her teacher having that in her mind. I've always raised my kids to respect authority, to respect their teachers, knowing, as an educational psychologist, that that is the only way they're going to learn: if they respect the person, the partner in their learning journey. I thought, why are these people being so negative? I understand the frustrations of parents. I share them. At times my kids were unsupervised, as were many others, because it's very difficult to find daycare for school-aged children out of the blue.

I thought of a former Minister of Education, John Snobelen, who said, "We need to create a crisis. Sometimes we need to break something and then fix it again and make it better." Now, was that rhetoric? What that was was a benchmark, and I thought, you create a crisis to make something better, but at what cost? These past six years, with these crises in education, a whole generation of children have been paying the price. Whatever side you're on, whether you're on the teachers' or the boards' or you say you're on the children's side, you can't deny that there's been an upheaval in education.

It's my observation, again, that before 1995, 1996, 1997—I was working at the board of education. I noticed a shift and a change in our senior management. Not all of them. Most of them stayed professional, caring, compassionate, the kind of leaders that empowered us. But at times I heard from some of our senior managers things like, "We need to do more with less." "You've had it too good," they said to the teachers. I wasn't part of a bargaining unit; I supervised a bargaining unit. They were telling us that to then trickle down to our bargaining unit. I refused, because I knew that was poor management. But in those discussions, if I closed my eyes, I could hear the voices of some government members. The change was subtle. It didn't happen overnight, but it happened: Permission was given to bash employees. Any public sector employee has had it too good. Business has had it rough, but no one bailed out business when they were having difficulties. Why should we bail out the public service etc?

Anyone who has had more than one child knows we're all different, but some individuals go toward business because they don't want to work by the clock. They want to be free. They want to be independent. They want to be entrepreneurial. That's great, and we support that. But again those of us who have more than one child

know that some individuals aren't like that. They don't mind going by the clock. That gives them security. They didn't invent the two months' vacation that keeps getting thrown in their faces. That's been around for over 100 years, and yet the teachers get blamed for those vacations. We support that too. We support the individual choices people make, that our kids make in their professional choices.

1600

The member from Stoney Creek has quite rightly said we have had difficulties for over two decades now, but the extent of the cutbacks in the last six years has been unprecedented. The extent of the changes has been unprecedented. Bill 160—the principals were taken out of the bargaining unit. Whether you agree with that or not, that was a major change. Bill 74 has that gun hanging over the teachers' heads with respect to extra-curricular activities. I know that the member for Stoney Creek was a manager in his previous job. I know that he knows there isn't a management theory in the world that says, "Force employees to work overtime with no pay." You know people will get their backs up. You know you cannot enforce what people are already doing voluntarily and what only a minority are not doing.

My job description at the board was to help kids and help teachers help kids, but the last two years there I was doing stress management workshops for teachers. That wasn't in my job description and yet that's what I was doing. That's not rhetoric, member from Stoney Creek; that's the truth. I was doing stress management workshops two to three times a week with teachers. We had an unprecedented number of teachers on long-term disability, an unprecedented number of sick days, which by the way is part of the difficulty in today's negotiations. The layoffs the boards are being forced to do as a result of this collective bargaining situation will be our long-term teachers. Who will replace our teachers who are on long-term disability? Will the classes get bigger? That's not allowed, and quite rightly so. But where will these teachers come from?

What we've done is, we've empowered senior management across the province in boards of education to be tough with their employees. That resonates with some members of the public as the right thing to do. That resonates with some members of the public as tough leadership. It's not tough leadership; it's poor leadership, and poor leadership begets poor leadership. That's what we have in our boards of education. We have stressed-out managers. We have trustees who have been downloaded the responsibility without any of the empowerment to do anything.

When I was first elected, the very first month here when the House opened, we had over 20 children in that same board at home because there wasn't enough money for educational assistants to treat those kids. I used to work with these kids. Some of those kids at home I've tested. I know that wasn't rhetoric; that was the truth. The board finally did hire the educational assistants at \$500 million. They didn't have this money. At that time,

the trustees were telling us, "We don't know where we're going to find this money. It's not from the envelope for educational assistants. We're going to pay for this later, but we can't have 22 kids at home not getting an education." They absorbed the costs, in other words.

Over the last couple of weeks, the board has been charged in the media, by parents and by others with mismanagement. The teachers have been charged with not caring about the kids. Some of the parents have been arguing with other parents on how to get the kids back to school. Yes, those four parents came last week, but I saw the scrums afterwards. They didn't want back-to-work legislation last week. They were hoping the board and the teachers would work it out, because they know you can't force someone back to work and expect the same level of quality education.

That is what the teachers are fighting for. It's not only their own pay increases, which they deserve. Keep in mind that these negotiations were being carried out while we were arguing here about a 42% pay increase. Think about that. Someone who hasn't had an increase in eight years is asking for a 4% increase while their government is putting forward and arguing back and forth about a 42% increase. Think about that.

Mr Garfield Dunlop (Simcoe North): But there's really not an argument.

Mrs Bountrogianni: It's really not an argument. The public believes it is an argument, and the public changed your minds pretty quickly.

What are parents, students, teachers, board managers and trustees going back to tomorrow? What has really been solved here? On a short-term basis, our kids will be back at school. That is great. I'm looking forward to my kids going back to school. But let's not think for one minute they're going back to a better-quality education as a result of anything this government is doing. There will be more vilification, more bad blood, lesser-quality education because the money isn't there. It has been taken away by this government since 1995, \$1,100 per student, so that there isn't money for special education and there isn't money for a very modest pay increase.

What have we come to in this province when on the day of the child yesterday all I could see around me were people striking, picketing and protesting and a bunch of children, some of daycare age, some of school age, in front of us with balloons attempting to celebrate childhood? That may not be an argument, but it's something to think about.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate of the legislation called the Back to School Act (Hamilton-Wentworth District School Board), 2000.

The bill addresses the labour dispute between the Hamilton-Wentworth District School Board and the Elementary Teachers' Federation of Ontario. It requires the termination of any strike or lockout and provides a mechanism for achieving a new collective agreement. The bill also converts all remaining professional activity days into instructional days in terms of the school calendar year.

The purpose of this legislation: Students have been out of school for three weeks. The Education Relations Commission has advised the government that the successful completion of the students' studies is now in jeopardy, and the priority is to get the children back to school. That is why the government introduced legislation.

The government prefers that the dispute is resolved through the collective bargaining process. If negotiations fail, the matter will go to mediation-arbitration. If the parties cannot agree on a mediator-arbitrator within seven days, the Minister of Labour will appoint a neutral party. The board has submitted a formal request for a last-offer vote. This process is underway. The act will allow for this process to continue.

The government has provided sufficient resources to permit boards to manage their affairs, so a negotiated settlement should be achievable. From what I understand, there's been a negotiated settlement with the secondary school teachers for that board.

Until a new agreement is reached, the terms and conditions of employment will remain those that were in effect when the labour disruption began. The remaining professional activity days have been designated as instructional days so that students can make up for lost time.

The act calls for maximum penalties of \$2,000 for individuals and \$25,000 for the board or union for non-compliance. Each day of non-compliance is a separate offence.

Certainly this measure of legislating the teachers back—and let's emphasize elementary teachers for this particular board—is a measure that has been advised by the Education Relations Commission. Students will be back in class on the first day after the bill receives royal assent.

There is a history in terms of negotiations and the way negotiations are structured with respect to teachers. As you can recall, the School Boards and Teachers Collective Negotiations Act was repealed under Bill 160. As a result, collective bargaining between teachers and their respective school boards is now subject to part X.I of the Education Act and the Labour Relations Act, 1995.

1610

Each district school board is now comprised of four fixed bargaining units: elementary teachers, not including occasional teachers; elementary occasional teachers; secondary teachers, not including occasional teachers; and secondary occasional teachers. Of significant importance is the exclusion of principals and vice-principals from teachers' collective bargaining units. So what we're focusing on here is dealing with the elementary teachers unit for this particular board—only that particular unit, which obviously is affecting a number of students in the Hamilton-Wentworth area. Because their school year, as we have been advised, is in jeopardy, we are moving expeditiously.

Speaking with respect to Bill 160, I think it's good to recall that amendments were brought into Bill 160 with respect to excluding principals and vice-principals. That

decision of the government was appealed by the Ontario Teachers' Federation to the Ontario Court of Appeal, on that particular issue of principals and vice-principals. During the strike surrounding Bill 160—and quite frankly, that was an illegal strike undertaken by teachers' federations and teachers around this province, an illegal strike against legislation—principals and vice-principals were faced with the choice of staying to manage the schools or leaving to participate in the process organized by their unions. Most principals chose the latter. So this new context to deal with what was essentially a political protest against Bill 160 led to the exclusion of principals and vice-principals from the bargaining unit as we know it today. As everybody knows, the principal and the vice-principal are in a traditional conflict-of-interest situation with respect to the classroom teachers they are responsible for under the Education Act to ensure that their duties are fulfilled.

We're not facing that ingredient. That's why I point it out today. We're not facing that ingredient where the principals and the vice-principals have walked out of the school to join the classroom teachers for the elementary section out on strike. I think that's a very positive feature in terms of maintaining some order with respect to our schools' management for those individuals who are given that responsibility.

The dispute will be settled, obviously subject to that final offer that's being put forth by the board. If the parties cannot negotiate an agreement—and that is the preferred option; that option has been chosen by a number of school boards and their bargaining units throughout the province, a negotiated settlement—mediation-arbitration is a specialized form of arbitration designed to encourage parties to negotiate their own collective agreement. If the parties cannot agree on a mediator-arbitrator within seven days, then the Minister of Labour will appoint a neutral, qualified third party.

The government prefers that the parties resolve disputes through the collective bargaining process. However, in this case, several weeks have gone by with no sign that the parties can unlock the current impasse, so the government must act to protect the interests of the students. We have to get the students back into the school now. The last offer vote, from what I understand, is something that is being monitored by the Ministry of Labour, and the bill allows that process to continue. That will be something that is dependent on the members, the classroom teachers who are out on strike at this moment.

Mr David Christopherson (Hamilton West): Lockout.

Mr Tascona: Lockout. The member from Hamilton Centre—

Mr Christopherson: Hamilton West.

Mr Tascona: West. The member from Hamilton West joins the debate. He's coming in shortly.

The thing is, there is a process in place: a final offer, a negotiated settlement. Anything can happen. But the bottom line is that the legislation be put in place but not get in the way of what's occurring at the moment.

When we deal with this particular issue, it's not a partisan issue of, "Will you support teachers if they go out on strike?" We know the position of the member from Hamilton East from the opposition party. He supports a strike. He supports the withdrawal of services against students. That position was very clearly put forth by the member from Stoney Creek, in which it was recorded. I was there. The member from Hamilton West was there also. Mr Agostino says, "I will walk the picket line with the teachers."

One has to maintain a distance with respect to negotiations that are ongoing between a school board and a union to achieve the best interests of the students and the classroom teachers. They are a part of this process. Parents are a part of this process, too. They've been impacted by what's been going on in Hamilton. Parents, students, classroom teachers, principals, vice-principals, everyone who is connected with the school board system is dependent on a collective agreement being negotiated by that school board and that union. The one union that is subject to this legislation is the elementary teachers. We're not talking about any other groups; we're just talking about the elementary teachers.

This bill achieves a balance with respect to maintaining the status quo in the sense of allowing the process to continue while at the same time bringing finality to the situation. Finality is what the parents want, it's what the students want, and that's in the best interests of them achieving their education. The bill allows the process to continue, but finality is very clear in this bill.

I've been very pleased to speak on this piece of legislation, and I know that other members will be speaking shortly on it as well.

Mr Gerard Kennedy (Parkdale-High Park): It is a pleasure to be here to talk on this particular subject, although I have to say that we're not here for a noble purpose. We have heard from the member opposite something about finality, but we hear the government members trying to speak from high ground with mud all over their clothes. This isn't a Legislature far, far away from the classroom of Hannah Jepperson, of Timothy Burke, of students in the Hamilton system. We stand here pretending somehow to have their concern at heart with the bill that's been put in front of us today.

This is not a Legislature that did everything to prevent this strike. This is not a Legislature that did everything to prevent Timothy and Hannah and Joshua Whitelaw and other kids in the Hamilton system from getting their full school year. This is a government that stuck its head in the sand when faced with the problems that it had induced in the school system.

What do we say to Hannah and Joshua? What do we say to them about this bill today? We heard a member opposite say, "Finality. This is it. This is going to work." That member knows better. That member knows much better that all this is the cheapest of fixes in the sense of the law compelling people to go back to the classroom. It doesn't address the underlying issues. It doesn't address the fact that the member opposite and the mem-

ber for Stoney Creek speaking before represent a government that cut \$1,100 per student away from Hannah and away from Timothy and away from every student in the board in question here today; has said to those kids, "You're worth less."

1620

Only about 6% of that money, something like 30 bucks, came out of administration. Almost all the rest of it, \$1,070, came out of their education, as we used to know it, came out of their resources. The three children I mentioned are special education kids who got robbed of their education for days and days last year because the government opposite didn't have the courage to take responsibility for the fact that they were forcing the Hamilton board to spend money on special education because they wouldn't provide it. Over and over again this Legislature has been forced, compelled by children like Hannah and Joshua, to come up with more funds, still not approaching the money that's been cut out.

We're here today as a legacy of what the government has done with Bill 160 and Bill 74, bills that mean nothing to the average member of the public out there, mean nothing to Hannah, mean nothing to Joshua or to their parents, except that they know his is not a government that has tried everything in its power to see the schools of this province work.

We now see it registering out there. Why has it been that three out of four years we have had problems? Why has it been that when there's a professed outlook on the part of boards and teachers not to have strikes, we see one out there? Because this government has changed what was a more level playing field, they have changed the possibility for success, they have reduced the chance that the children of Hamilton are going to receive a decent education.

What we have put in motion in this House today will likely, if it bears any proximity to the offer that was on the table before, see Hannah or Joshua or somebody else in Hamilton with less chance to get special attention, because 65 teachers are going to be laid off. Sixty-five positions will be eliminated as part of what's being put forward, as part of what has been implicitly endorsed here today in this slam-bam kind of legislation.

If there is jeopardy, and we have heard from the Education Relations Commission that there will be jeopardy—negotiations have broken down, and there's now a problem that the school year can't be successfully completed—it will not come up today. If there is jeopardy, it's jeopardy brought on by this government and specifically by the lack of courage of the leadership in this government to put into our boards and our schools terms that will work.

I think the people of Ontario are saying to themselves, "It's not working. A government has been there for six years. They seem to be great at bringing out troubles and instilling problems. They don't seem to have any idea how to solve them. They're a one-trick pony: they force people to do things and they love compelling people." That's part of what the bill here today does.

There's at least \$7 million missing from the special education budget in Hamilton, that has been spent, brought from somewhere else. This is the government that promised early this year that they would be giving a 2% raise to teachers and then failed to provide the funds to make sure boards could do that. This is not the first time and will not be the last time we stand on this kind of matter. But this is a special kind of thing where we can have no sense of finality or fairness in terms of what those children need to have happen for them. What they and their parents want is some assurance that from here or from any point of finishing or completing agreements or discussion and whatever the past 15 days have been worth, something good will come of it. No such guarantee can be made today. Goodwill is at a lower ebb. It's induced by the fact the boards no longer have the discretion to make decisions on behalf of the students who live in their communities, because this government took it away with Bill 160.

When the parents and students of Hamilton and area and the Hamilton board, which encompasses places like Stoney Creek and other areas, look to the government in these times, what would they really want? They want to see fairness. They have the board and the teachers at an impasse. What they need most is a fair referee. Instead we have a government that is constantly putting its thumb on the scale, that can't resist weighing down on the side that's convenient for them, a government that is not a referee any longer. If they were a referee, they would not, for example, have the Minister of Labour appoint the arbitrator here. They would let it be done by the Education Relations Commission, by somebody independent, not by the people who have to pay the bills. That's what is being done here.

They would do a number of other things that would make sure the outcome of this would be fair. They have referenced in here a certain kind of outcome that actually ends up reducing the wages of teachers or that certainly would not give them the same prospect of a fair settlement that they had going into this. That's because this government cannot bring itself to see its duty as not weighing in on one side or the other. It has this unfortunate thing that allows students like Hannah and Joshua and Timothy to lose out. They need a referee at this time, and it's not there. This government isn't capable of doing that.

This government should have put back in place what it took out with Bill 160, some way for these disputes to be resolved. Instead, we're here at the Legislature. We have strike votes being taken around the province.

What is this government going to do when those fail, when they don't arrive at agreements because of the self-same conditions I've referenced before? What's going to happen then? Are we going to allow agreements that eliminate teacher positions? Is that the view of this government? Or are we going to keep calling the House back right through Christmas to see if we can't get some peace in our schools?

Peace in our schools isn't something that even this arrogant government can snap its fingers and get. You do

it by showing respect. You do it by creating goodwill. You do it by doing the hard thing of rolling up your sleeves and supporting the collective bargaining process right to the time where it can deliver an agreement that's going to generate the goodwill that Hannah and Joshua and Timothy and all the students in the Hamilton board deserve to have. They don't just deserve a forced solution.

This has been prejudicial activity on the part of this government, always threatening, always not putting forward constructive things, not prepared, for example, to be flexible in terms of how some of these things could be done, not being straight with the public about the funding, which we need to submit to the auditor, to somebody objective, and let it be told how much money is missing from the pot and why these deals are going off the rails or why we're having to eliminate teacher positions, taking away precious amounts of learning from children.

I defy the members opposite to say it's a good idea that we have fewer teachers in the schools today. I defy the members opposite to stand up and be that accountable, that they would put in place what they took away in Bill 160: a way to resolve these disputes without having strikes or lockouts. The lockout in Hamilton that this bill purports to end, to give some resolution to, was eminently avoidable except for the preconditions this government put in: the inability to arrive at flexible arrangements, the inability to pay for basic things, for transportation. Our new member of the Legislature for the Liberal Party came here partly because this government made kids walk in a manner which was unsafe rather than take a bus.

Instead we have in front of us a bill that doesn't bring about finality or fairness, or respect Hannah or Joshua or Timothy. Here we are, miles away from Hamilton, telling the people of Hamilton, "You no longer control education for those kids. We're going to do it for you." I think that's the height of arrogance. I think it's the height of misguidedness for us to make that pretense. I would hope every member in the Legislature today will stand instead and make a commitment to those kids that the quality of their education will be served when the people here buckle down and come up with a plan to put peace in our schools, and not just the things the unctuous members opposite feel are all right. The members opposite obviously believe in cutting resources to kids. We on this side do not.

Mr Christopherson: Right from the outset, when the lockout started, I think all of us in the Hamilton area started to receive phone calls. I certainly did. Most of the calls that came in were from parents, many of whom said things to the effect that I was at fault for part of this, because I didn't have the guts to stand up to the teachers. For a number of weeks—three and a half weeks, to be exact—I've been defending the fact that I was quite proud to stand with the teachers during this lockout, because I knew this wasn't just about teachers and their collective agreement; it was about classrooms, it was about children, it was about learning and it was about

ensuring that the schooling our children receive is the one they're entitled to. I believe that. I continue to believe that.

1630

Today some of the phone calls are from parents saying, "Thank you for getting my kids back in school." A lot of them, however, are from teachers, and they're saying that I didn't have the guts to stand up for teachers. As I said last evening—and I won't go through all of that last night; it's there in the Hansard to be seen by anyone who wants to. But the fact of the matter is that the Tory government, in particular the member for Stoney Creek, has for quite a few days now, if not weeks, been advocating, with no particular expertise to point to, that the teachers should be ordered back into the classroom.

The position of our caucus has always been that teachers have every right to be out on strike. They have a right to exercise their rights under the charter, their rights under the labour laws of this province.

Our past actions have shown that our policy also says that when we reach the point where the children's school year is at risk, where if things continue some children, if not all, may have to repeat an entire year, then the needs of those children have to be made the absolute number one priority, no matter how much it hurts. I want to tell you, some of the phone calls—and I had a discussion with Kelly Hayes today—are not easy. But we do have a process. We do have an ERC, and they have reported that the school year for children is in jeopardy.

I made the statement last night and reiterate it again: if there's a problem with that process, then maybe that's where we ought to be taking a look for the future. If there are arguments by experts—and I'm not an expert as to whether or not a child's school year is in jeopardy. That's why you rely on a commission like the ERC. If we need to take another look at how that works, if that's going to become the trigger point as to whether or not legislation like this comes into this place, then let's do that, let's take that look. But I maintain that it's healthy for the system.

If the member for Stoney Creek, a member of the Tory government, had had his way without the ERC system, I'm convinced we would have seen this government bring in back-to-work legislation long before now and they would have made up their own justification, their own rationale without benefit of being able to point to a panel of experts.

Having said all that, the member for Stoney Creek found it interesting to read earlier Hansards. I want to read an earlier Hansard, but not that far back: last night. Last night the member for Stoney Creek said, "In this legislation, I think it's fair. I think it's equitable. It gets the kids back in school and it allows the labour process to continue, and at the end of the day, if the teachers and the board and the parents and the media and all of the legislators are saying 'the kids come first,' then why would any responsible person oppose this? If you read the bill, there's absolutely no reason why anyone would oppose this back-to-work legislation. It's not a sledge-

hammer. It resolves the problem very clearly for the residents in my community and puts the kids back in school."

The only thing I agree with in there is that it does put the kids back in school. This it does; everything else it does not.

Yes, our caucus is allowing the expedited process for the bill in this House. That does not mean that everything in that bill, by any stretch, is what should be there.

The member talks about fair and equitable? Let me bring to the attention of this House a decision released today, just today, a few hours ago, by the Ontario Court of Appeal. In this ruling, based on a hearing on April 12 and 13 of this year, this is in part what the court said about the government's new method of appointing arbitrators. I want to tell you, one of the things that's so inherently unfair in this legislation is the arbitration process. You know it's one thing to stand back and say, "Look, we've had a panel of experts say the children's school year is in jeopardy and therefore we've got to get them back in the classroom," knowing that we are then going to pretty much end any effective bargaining on the part of the teachers and the board because you've denied the teachers the one tool they have to leverage at the bargaining table.

The only way you can really resolve those issues in a fair way is to send it to an arbitrator. That's the usual thinking behind these kinds of situations. We do something very similar where certain citizens don't have the right to strike, like firefighters and police officers. There is an arbitration process that's supposed to be fair.

You will see, from quotes that I will enter into the record from that court decision released today, what we have now in the province of Ontario in terms of where these disputes go when exercising your charter right to withhold your labour has been removed. There's nothing fair in here. Members of the government, you can say it's fair and equitable and hold your breath and stamp your feet and say it's fair and equitable, and that doesn't make it so.

What did the court say today? The court held that the minister's actions in changing the appointment process, meaning the appointment of arbitrators, was "an attempt to seize control of the bargaining process and to exclude" the unions "from it," and "to replace mutually acceptable arbitrators with a class of persons seen to be inimical to the interests of labour, at least in the eyes of the appellants." They also held that the minister's actions violated the union's legitimate expectations in that the minister had promised to continue the existing system for the appointment of arbitrators and then "proceeded in an entirely different direction, one that in the circumstances may be regarded as provocative or defiant."

The bill that's before us today says in subsection 11(2):

"Appointment of mediator-arbitrator

"(2) On or before the seventh day after this act comes into force, the parties shall jointly appoint the mediator-arbitrator referred to in subsection (1) and shall forthwith

notify the minister of the name and address of the person appointed."

No problem so far. If the board, the trustees and the teachers' union can agree on an arbitrator, we don't have a problem, nobody has a problem. But when they can't agree, and it's not that infrequent when they can't, then we get to subsection 11(3), which says:

"(3) If the parties fail to notify the minister as subsection (2) requires," which I just read, "the minister shall forthwith appoint the mediator-arbitrator and notify the parties of the name and address of the person appointed."

Therein lies my problem, one of them, and certainly the Ontario Court of Appeal's. What did they say today? I will, for the benefit of the House, say that this refers to the arbitration process in the Hospital Labour Disputes Arbitration Act, but nonetheless, I think members will agree, it speaks very clearly to this government's attitude and approach and desired outcome when making appointments. Given the total freedom the minister will have, I think this is an important part of what ought to be considered.

The court said, "As stated earlier, the pre-existing system dated back to about 1979. The system of choosing an arbitrator by mutual acceptance has evolved over the years and was recognized by the statutory amendments made in 1979. The system appears to have worked reasonably well at reconciling the fact that the right to strike had been replaced by mandatory arbitration with the fact that the right to appoint the chair of the arbitration was in the hands of an entity which was not directly a party to the arbitration but which had a very substantial interest in it. Having worked as well as it did for almost 20 years, the arrangement must be regarded as having been successful."

1640

That was before Bill 136. Bill 136 changed that system the court said has to be regarded as having been successful. That was another one of this government's infamous pro-labour laws, as the Minister of Labour likes to shout and state while he's on his feet, about how wonderful the legislation has been, another example of what has happened in terms of workers' rights.

About the current process, this is pretty wild stuff you've got coming out of the court. "In addition, having regard to the circumstances surrounding the appointments, the minister has failed to meet the legitimate expectation of the appellants, contrary to the principles and requirements of fairness and natural justice."

This is the minister who wants us to rely on his goodwill if a mutual choice can't be arranged to appoint an arbitrator. This minister wants the teachers to feel that their best interests in terms of fairness will be represented by this bill, yet look what the court says about what this minister does when they make appointments to boards of arbitration.

I'll read the sentence that ends, and then I'll go back up. It says, "The relief claimed in items one, two and three of the preceding paragraphs should be granted."

This is where the court sided with the Canadian Union of Public Employees and the Service Employees International Union. They said:

"(1) A declaration that the minister created a reasonable apprehension of bias and interfered with the independence and impartiality of boards of arbitration established under HLDAA, contrary to the principles and requirements of fairness and natural justice.

"(2) A declaration that the minister interfered with the legitimate expectations of the appellants and other affected unions, contrary to the principles and requirements of fairness and natural justice.

"(3) An order in the nature of prohibition preventing and prohibiting the minister from exercising his discretion to appoint persons to sit as chairs of boards of interest arbitration under HLDAA, unless such appointments are made from the long-standing and established roster of experienced labour relations arbitrators."

This is exactly the point and the position the NDP caucus took at the time Bill 136 was in front of this House. That's why there's nothing in this legislation that's fair or reasonable. It does save the potential for the year to be in jeopardy—that's a given—but it does nothing else to resolve the issues that are at the heart of this lockout.

In light of this, I would like to seek unanimous consent to put the following amendments before this House. I'll read the amendments to you, but after reading them into the record I am seeking unanimous consent to place a motion to have these amendments put before the House with regard to this bill. These are amendments to subsection 11(3):

Delete existing wording and substitute, "If the parties fail to notify the minister as subsection (2) requires, the chair of the Education Relations Commission shall forthwith appoint the mediator-arbitrator from the long-standing and established roster of experienced labour relations arbitrators." In light of the ruling today, this seems pretty reasonable and fair.

Further, replace 11(4)(a) with the following:

"The chair of the Education Relations Commission shall forthwith appoint a new mediator-arbitrator from the long-standing and established roster of experienced labour relations arbitrators and notify the parties of the name and address of the person appointed."

Also, delete subsections 18(1), 18(2), 18(3) and 18(4) and replace it with:

"The mediator-arbitrator shall make an award that is reasonable and fair in all of the circumstances."

Next, delete 18(5) and replace with:

"The new collective agreement that implements the award shall be effective for a period beginning September 1, 2000, and ending August 31, 2001."

Delete section 19 of the act.

Delete section 22 of the act and replace it with the following:

"The parties shall jointly determine whether and in which manner instructional days lost as a result of the lockout will be replaced."

Speaker, I seek unanimous consent to place these amendments before the House.

The Deputy Speaker (Mr Michael A. Brown): I have some difficulty in that we would have to ask unanimous consent for the House to revert to committee of the whole House. That would have to be the first step, if you'd like to do that.

Mr Christopherson: To follow the appropriate process, I will seek that unanimous consent first, and then, when we're in committee of the whole, place these amendments.

The Deputy Speaker: Mr Christopherson has asked for unanimous consent to revert to committee of the whole House. Agreed? I heard a no.

Mr Christopherson: Let the record show that the noes came, of course, from the government side.

I can't say I'm all that surprised, but I am disappointed. I thought there was the possibility that as a result of this extremely embarrassing decision of the court, the Minister of Labour and the Minister of Education would have taken another look at this. But obviously that would mean they really did want "fair and reasonable," and we know you don't; otherwise, you wouldn't have brought in legislation that has done the damage it has to our education system.

Let me just talk about a couple of other—because I want to share my time with our education critic, Mr Marchese.

Interjection.

Mr Christopherson: No, I'm not worried about those guys and their heckling. If that mattered, I would have sat down a long time ago.

Section 18 talks to the mediator-arbitrator and it speaks to the limitations or the boundaries they have to work within. There are three of them:

First, it has to "be consistent with the Education Act," which sounds on the surface reasonable, except that it goes on to say "and Ontario regulation 170/00, student-focused funding legislative grants for the school board 2000-01 fiscal year, and with the other regulations made under that act." What does that mean? It means they have to act within the confines of the grants that this government unilaterally made to the boards, which is at the heart of why we've got this lockout.

Second, "The mediator-arbitrator shall make an award that permits the board to comply with the legislation mentioned in clause (a) (enabling clause);

"(c) can be implemented in a reasonable manner without causing the board to incur a deficit."

What does that mean at the end of the day? It means either the teachers are not going to get a fair collective agreement—plain and simple, no matter what you say, they will not get a fair contract—or they will get a fair contract, but because of the language in here, we're probably going to see teachers laid off and supports to the children and programs cut.

But your approach is always one of: lock everybody into a box and make sure they've got no room to move—I mean, you're the greatest social engineers this province

has ever seen—and force people to work within that fiscal box no matter what it means, because you need and needed and will still need to find the billions of dollars you've given away in corporate tax cuts and tax cuts to the very wealthy. This the price. These are your tax cuts at work.

The Minister of Labour yesterday was condemning us for saying it's about money, that all disputes are about money. Most times in the past it was a localized argument. That was the way it worked. There was flexibility on the part of the board to set the education portion of the property tax to reflect local priorities. All that is gone. You took total control of everything. You provide money that's insufficient to meet the needs of our children and the needs of a fair collective agreement, and you stand back and tell the trustees to do it anyway. When we end up in the situation we are in, with a lockout and our community starting to divide in a very serious way, you stand back and say, "It's got nothing to do with us. Those are local negotiations." You've got all the power, all the money, you make all the decisions and pass all the laws, but it's somebody else's fault when they can't make the system work because you cut the funding.

1650

Yes, when the ERC came down and said, "We believe the school year is in jeopardy," we responded to that by supporting a process that will put the kids back in school. But make no mistake: we will oppose the legislation itself, because no matter what you say, it's unfair and it's not reasonable, and I remind you that the courts have supported that you are not fair and reasonable. This is not going to solve the problem. The children are not going to get the education they deserve and the teachers are not going to get the contract they deserve, because you've rigged the game ahead of time.

Yes, we'll have the expedited process and, yes, we'll put the kids back in school, but we're not going to support language that pretends to be fair and reasonable and is the exact opposite.

Mrs Sandra Pupatello (Windsor West): It occurred to me over the last couple of months in the travels I've had to schools—not just in my own riding but even as of last Friday at Saint Paul High School in Niagara Falls, where I was invited by Nick Closimo to visit with four different classes—that one of the constant questions asked of me in speaking to students is, "Why are students always in the middle of the fighting between the teachers and the government? It's not fair."

We could take quite a lesson from students across Ontario and really listen to students like the students I met at Saint Paul, like the ones at Assumption high school and Massey high school in my own riding, where in the last couple of weeks the students asked me the same question, "It's not fair. Why are we always in the middle between the government and the teachers fighting?"

It occurs to me it's time the government showed leadership in the area of education. I ask the people of Windsor West to watch what is happening in Hamilton

today. Watch what is happening with those school boards there and what they've been dealing with. Let's remind ourselves that every school board in Ontario will face what Hamilton faces and say, "Who starts the fire?" This government is like a fire starter. They jump from garage to garage, lighting the fires, watching the garages burn and then have the nerve to call the fire department, grab the hose and start putting out the fires themselves.

That's what we're doing here today, talking about back-to-work legislation. Who created this mess in education? This very government, since the day it took power in 1995. It started with the merging of school boards without a plan and created no end of havoc in terms of how boards were to be amalgamated. The list goes on with all the initiatives in education the government is so proud of but hasn't done one of those initiatives in the right way, not with the right planning and not with the right funding. Every one of them has been some sort of photo op to be perceived as doing something in education.

We talk about a new curriculum. We launched a new curriculum in our schools. We cut one year out of high school, not with a plan. Going into the new school year, we didn't even have textbooks to match the new curriculum. But you just shoved it through anyway without taking appropriate time to do it properly.

Then there was the new report card for Ontario. You ran television ads about your new curriculum and your new report card. You forced teachers to spend hours and hours of their own time to launch this new report card system. Did any members on the opposite side of the House look at the forms they used in report cards, the matrices they had to fill out that parents couldn't understand and said, "Could we please have our old report card system back?" because of the speed with which you as a government decided to introduce this new initiative into our education system?

Look at the history of education bills from this government. Let's not forget Bill 136 in the last term of this government, which was referred to already. It changed forever the fairness in public sector negotiations. It's no wonder that no one will want to go to that board of arbitration. It will be government-controlled, so in the end the government's will will be done. Everyone out there knows that. You have forever taken the fairness out of the system.

Back to the education bills, do we remember the code of conduct? That was the biggest joke going in the education field. They sing the national anthem. They say the Lord's Prayer. To have this bill put forward as though there was no conduct whatsoever, no level of discipline in our schools, was ridiculous and frankly an insult not just to teachers but to parents and students who are models across the nation. We can look at Ontario schools that lead in a whole host of areas, including sports and academic achievement, because there are good students in our schools.

Let's talk about Bill 160. That was the first huge error in terms of funding for schools. We knew it didn't work.

It wouldn't work. Then came Bill 74, the patch job or Band-Aid solution to 160, which still isn't working and today has created havoc at our school board level. In the last municipal elections, I would ask anyone running for trustee positions with our school boards, "Why would you run when you have absolutely no power in terms of how your budget will be spent, because it's determined here at Queen's Park?" If you leave it to Queen's Park, they will make errors like they've done in the area of education since the day they came to power in 1995. The fire starters are the Ontario Conservative government, and the people who now are thrust with the decision to put an end to it are the Ontario Conservative government.

Mr Steve Gilchrist (Scarborough East): It's indeed my pleasure to rise and offer a few comments on the very necessary bill we're debating this afternoon.

The member opposite from Windsor suggests that somehow we have been the architects of some downturn in the quality of education in this province, when of course it was the two previous governments that showed absolute neglect, absolute disdain for improvements in education, an absolute disregard for the need to make sure we had the toughest curriculum, that we were teaching our kids subjects that were relevant to the 21st century, not the 19th century, that we were getting accountability out of all aspects of all the operations we fund, not the least of which is the education system.

We have certainly heard a great number of horror stories. I'm sure Aesop would be pleased to add them to his book of fables. When you look at the facts, though, they suggest a very different evolution in the education system. My father approached me a few weeks back and asked me what we were doing in terms of funding in Northumberland county, where my four nieces and nephews, his grandchildren, are all in school. He had heard that one of the schools, a very modern school and by all reports an excellent facility with a great reputation for its music program, had announced that because of "government cuts," the music program was going to be cancelled.

I followed up with the ministry. I'm sure, Mr Speaker, you would be as confused as I was when I found out that last year the Northumberland schools, the Kawartha Pine Ridge District School Board, received \$245 million, and this year the funding under our funding model went up to \$258 million. As surprising as that \$13-million increase would be, in light of the threatened closure of a program, when you do a little more research you'll find there are 500 fewer pupils. Let me get this straight. The one involvement of the provincial government was the writing of a cheque. Last year we gave the Kawartha Pine Ridge school board \$245 million. This year they have 500 fewer students and we're giving them \$13 million more, and they have to close programs? Obviously, they should be adding \$13 million in new programs, \$13 million dollars worth of new text books, new science equipment, more teachers, smaller class sizes. But that's not what they're doing. They're playing political games. Nowhere in this province have we seen the tactics of the school

boards, and in this case the tactics of one of the unions, more directly impact the education that students are receiving than in the Hamilton-Wentworth District School Board.

1700

Students have been out of school for three weeks. That's three weeks far too long. We were dismayed yesterday when one of the NDP members twice refused to allow us to undertake the debate we're having today at an earlier time; hopefully, with the passage of the bill, those same kids would have been back to school today. The Education Relations Commission has advised the government that the successful completion of the students' studies is now in jeopardy. In that light, I don't know how any member, no matter what their party affiliation, would want to stand in the way of the education of those kids. The priority has to be to get the kids back to school, and that is why the government has introduced the legislation we've brought in today.

We've seen an awful lot of mismanagement and waste in the system over the years, and I don't want to suggest that school boards were unique in that regard. We saw here in Toronto the school board chair and her cronies rip out the playgrounds in 173 schools, after her own staff told her not to. Many of the trustees afterwards admitted they didn't even read the staff report: "Because Gail Nyberg asked me to do it, I voted along with her." Well, that's not exactly the model of proper stewardship of our schools that we were looking for from trustees.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): Yes, she's a winner.

Mr Gilchrist: My colleague says he's heard of her. There's no doubt that Ms Nyberg did an awful lot of things like that, and I'm sure it had nothing to do with her aspirations of running for city council.

Mrs Brenda Elliott (Guelph-Wellington): She wasn't elected, was she?

Mr Gilchrist: Her unsuccessful attempt. Thank you. Her unsuccessful attempt, because the voters in East York certainly saw through the charade of her candidacy.

We have half-empty schools in my riding. One of the little known idiosyncrasies in the education system and how it's evolved over the last century is that while there was an option for junior high schools, they are by and large a Toronto phenomenon. Some exist in other boards, almost exclusively in other urban boards, but they were primarily an invention of the Toronto District School Board.

In the middle of my riding I have one school, an elementary school from kindergarten to grade 6, which is designed to hold 480 students and has 247. Immediately next door is a much newer junior high school designed to hold, coincidentally, 480 students, and it has just over 250. In other words, if the population of the two schools were combined, you would have one efficiently operating and at-capacity school. You would have one fewer principal, one fewer vice-principal. You'd have fewer janitors. You'd have lower heating costs. You'd have lower landscaping costs. You would have more money to

invest in after-school programs, in the gymnasium, in the auditorium, in textbooks, in science equipment, in smaller class sizes.

I don't recall as a citizen in Toronto, as a voter, as a voter for the last 20 years—more than 20 years. What am I thinking? Almost 30 years. I don't recall ever being asked if I wanted that duplication and waste. I don't recall the Toronto District School Board ever coming to the public and saying, "You have a choice. We can manufacture this middle school. It will cause the disruption of kids leaving one school environment at grade 6 to become the new kids in grade 7, only to uproot them again just two years later. We can do that, or we can put the investments into better-funded elementary schools and better-funded senior high schools and cut the duplication and cut the waste."

We were never asked that, and I am very proud that our funding model is now forcing school boards like the Toronto District School Board, that to this day continues to get more money per pupil than any other school board in the province of Ontario—and when they cry poor, the appropriate response from every member in here should be that if 71 other school boards are able to deliver those services properly, why is it that the one—the Toronto District School Board—claims they have insufficient resources? Are they too fat? Are they spending too much on administration? Absolutely. They have done nothing to downsize the fact they had 14 head office buildings, and still do to this day.

The fact of the matter is they don't have anywhere near the constraints that other school boards that didn't have a rich property tax base have always had to deal with. In Toronto, if you got another factory downtown, the school board got more money. You've heard the statistics and perhaps the people watching have—or perhaps they haven't—that in the decade before we were elected, from 1985 to 1995, enrolment went up 16%. To be fair, inflation went up 40%. But education property taxes in this city went up 120%. I can tell you that the quality of education didn't go up 120%. The spending per pupil didn't go up 120%. Our kids weren't 120% more likely to be winning spots in first-year university courses. The fact of the matter is the efficiencies are out there. The challenge is there for all the school boards to meet that test. It's being done by other boards and it can be done here.

As to Hamilton, I say to the members opposite, the government is giving fair resources to every school board. There have been settlements in many other boards. You can't deny that. What is so unique about the circumstance in Hamilton that kids have to be deprived of three weeks of education to make a political point between unions and school boards?

This isn't about money. The money is there. It isn't about a new curriculum. That's there. It isn't about a greater focus on education, because we've done all those things in our first term. The fact of the matter is that this is about a labour dispute between an employer—not the province but the school board—and a group of employees, in this case the teachers' union.

Our challenge is to the two of them, to recognize their true responsibilities, to recognize that the time for games-playing and finger pointing is long behind us. If other boards can settle, that's the model they should follow. The time has come to remember that kids must come first.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I am pleased to be up and to add my voice in this debate and to talk about the obvious sorry state of labour relations in this province. Over the last several months, we've seen things deteriorate. We've seen it with the CCAC folk, who are still on strike; we've seen it with our VON nurses, dramatically underfunded nurses, by the way; we've seen it with the school boards; earlier today, we saw it with construction workers who were here.

The level of discontent grows. It's never been my belief, I need to say, that you ought to measure success by how many friends you can turn into enemies, by how many caring professionals you can alienate or by how many persons you're serving who can be inconvenienced. There was earlier reference to a previous minister talking about creating a crisis, and my colleague from Hamilton Mountain asked was that rhetorical, was it rhetoric. No, it wasn't rhetoric; it was prophetic. We've seen the result of that.

Over the last five years, we've seen this government launch its all-out assault, not just on the workers of this province but on the people they serve, with their cumulative demeaning of the caring professionals who we see increasingly walking picket lines with the disputes they're having to deal with.

If there's any good news in this bill, and there is some, it's that the children will be back to school on Wednesday. Unfortunately for the kids, they don't understand all the political machinations that go into creating this kind of turmoil. I'm pleased they'll be back in the classroom, but what I'm not pleased about and can't support is the way this government has literally swapped off its responsibilities for public education, and seems intent on continuing to poison the public education well.

1710

I want to say for the record that there was another way, another credible alternative, another vision, a road less travelled, one that would have and could have charted a new course, a way that would have affirmed respect for public education and also celebrated its future, a more rational and compassionate approach—to quote my colleague from Stoney Creek—one that would have really had some common sense. It would have been the no-fault approach, but this government doesn't seem to believe in a no-fault approach. When it comes to no-fault, that's the kind of insurance you want to carry, and we all pay the premium for that in Ontario. Whenever anything goes wrong, it's everybody's fault but this government's. You notice that? I know my colleagues from Hamilton West and Hamilton East have spoken about that, as has Mrs Bountrogianni, the member from Hamilton Mountain.

Over the last two and a half weeks, I've had about 600 calls from parents, many of whom are significantly inconvenienced, some parents and grandparents who are in tears on the phone with worry about their kids. A very deep concern. But the concern hasn't only been to get this labour dispute settled, it's been very much for the future of public education, the public education their kids and grandkids would receive.

There was a better way to approach this, one that would have reflected potentially a just resolution, a fair resolution, one that didn't lay blame, one that could allow for a win-win, one that might benefit all and not set out to hurt anybody, in fact, I suggest, a progressive, cautious, conservative approach that would have worked, one that would have served the people it was designed to serve but also shown respect for public education, one that might have provided a template for settling future disputes, and rest assured, there are going to be future disputes. I think there's a vote this evening with the Toronto school board—interesting timing, isn't it? One has to wonder, but that would be all too much in keeping with this approach.

The alternative approach would have done something other than leave this continuing sad legacy we're seeing in Ontario when it comes to important issues and important labour things. This way would have been—I attempted to engage the minister on a couple of occasions around this and had conversations with her over the last couple of weeks—one that would have acknowledged charitably that while no one is guilty, all of us are responsible and that we need to move forward in a way that works. I suggested to the minister that she use her good offices to approach the parties and ask for a period of normalization, that there be a 90-day cooling off period through which negotiations could continue, hopefully with her using her good offices to get up and go. That didn't happen, unfortunately. The government seemed intent somehow on abandoning that approach and going to finger pointing instead.

I'm really concerned, in wrapping up here, that the arbitration—and the member from Hamilton West alluded to this—seen here really ties the hands. I would think that if the minister and her government were serious about good faith arbitration, not only would they not require the two sides to pick up the costs, which is something that hasn't been discussed here—you'd think the government would pick that up—but you would also think that in the context here the arbitrator would be freed up.

I think the member from Hamilton West tried to capture that in his proposed amendment which, predictably, was rejected. If you want others to enter into good faith arbitration, you've got to be prepared to take the risk too, particularly when many, including the chair of the school board and others, believe that the fundamental problem has been the lack of funding. We shouldn't have tied the arbitrator's hands. I'm glad the kids are going back but, for the reasons I've outlined, this individual will stand later in this House today and vote against this legislation.

Mr Rosario Marchese (Trinity-Spadina): I want to say at the outset that our member from Hamilton West has stated very clearly that our caucus will be voting against this bill.

Interjection.

Mr Marchese: I'll tell you why in a sec. He stated very clearly, of course, that when an advisement of jeopardy is made by the Education Relations Commission, it's a concern for all of us. Jeopardy means that a continuation of the lockout would put at risk the successful completion of courses of study by the affected students. Of course, when that advisement is made, we are concerned about the children. Naturally, parents want the children to be in the classroom and getting the education they need so their full year can be completed, and hopefully completed successfully.

While that may solve the matter for the parents and the students, it doesn't solve the problem that we are facing in the educational system. It will not help teachers who are aggrieved and angry about what this government has done for the last six years, and it's only going to get worse, not better, in the coming years.

The member for Scarborough East is saying that it's time to end the games. I'm assuming not the games he is playing or the games the Conservative government is playing. He's saying it's time to end the games that presumably the union bosses are engaged in—so they are the real cause of the problem, not the government. In fact, the member claims, as he and his government often do, that they've put more money into the system, not less. The problem is that the teachers and the parents, those experts, know that we have a funding problem in our educational system. Why do they know? Because they're there on a daily basis see the tremendous cuts that we have seen.

Of course, the government members don't want to see that, don't want to listen to that. They don't want to hear that. They simply want to have people saying, "Oh, no, the system is great." "Please, those of you who are not parents, join with us, the Conservative government, as we bash the unions. They're the real problem." You had the member for Scarborough East say this again: the real problem, once again, is the bureaucracy. This is where the billions of dollars are and if we could only continue to savage those bureaucrats, then we would have more money in the classroom.

He continues to play this game, while at the same time accusing the union bosses—you know, those dreadful people who cause chaos in our system, the ones who are really eating the money, presumably for themselves. I'm assuming they're taking the money out of the educational system. Not perhaps the bureaucrats and not the government, but maybe the union bosses are taking it. Why don't you say that? You could say that. Some people will believe you, as they're believing you in so many other areas of myth-making, the kind of nonsense you people are engaged in. You are in such constant denial day in and day out that it's laughable.

The opposition says, "You've cut." The government members, the Minister of Education, say "No, we

haven't; we've added billions of dollars." The poor public is confused. They don't know who to believe. All I say to the public is, believe the parents who are actively involved in the educational system and have seen the loss and the cuts and have seen the effects of those cuts on their children. Believe them. Don't believe me, if you don't want to. Don't believe anybody else in opposition. But for God's sake, whatever you do, don't believe the member for Niagara Falls. Don't believe Bart. And please, whatever you do, don't believe the Minister of Education. Go into the classroom. Speak to some of the parents who are connected to the school system as part of the parent council and ask them, "What do you think?" Don't, for God's sake, listen to the member for Scarborough East when he speaks about these things, because he doesn't have a clue. He speaks well, I must admit he does, and sometimes you might be tempted to even believe him—although the former Minister of Education was more believable, but he lost that election. But you can't believe the member for Scarborough East, for God's sake.

1720

Look, they cut \$1.5 billion. That's a lot of bucks. Why else do you think they would have centralized education financing, except to take money out of the system? Otherwise they would have left it decentralized and permitted the school boards and the trustees to raise money out of the property tax base as a way of funding their needs. The government took that tool away. Why? Not to put money in but to take it out; otherwise, they would have left the system alone. Good taxpayer, I'm sure you know that.

You, citizens, you know better, because the taxpayer the Conservative government speaks to is just concerned about putting money in his pocket, getting money back for himself. The citizens, however, who are concerned about the students, concerned about the larger interest and the public interest, know that when you take money out of the educational system—the purpose for Bill 160, for centralizing—you're doing it for a reason.

So what has been cut? I'll tell you. Over 138 schools have closed or are slated to be closed; 10% fewer—

Mr Bart Maves (Niagara Falls): Aha. Say that again.

Mr Marchese: You'll have 130 schools that will be closed; many have been closed and many more will be closed. You'll have more or less that number. Deny that, if you can or will.

Some 10% fewer elementary schools have full-time principals because presumably they are bureaucracy, the fat cats that we don't need in our educational system. So we have 10% fewer full-time principals because, if you follow the logic of Scarborough East, they are the bureaucracy—we don't need them. Some 42% of elementary classrooms have 26 or more students. Class sizes have been increasing since the Conservatives came to power. For grade 2 students, class size has increased by more than 10%. Some 24% fewer elementary schools have ESL programs. We don't need that. We don't need those programs, presumably, because it's a Darwinian

kind of Conservative ideology. You survive and if you don't survive, it's too bad. You come into this country and if you don't do it on your own, you're certainly not going to get help from the Conservative government to help you out. You are on your own. That's the nature of the Darwinian society the Conservatives are having us live in.

Operational funds: the funding formula allocates money based on square feet, not the needs of students. What a dumb, dumb way to fund our educational system—based on square footage, not on the needs of our population. Speaker, don't you find that dumb? Sure, it is.

Mr Tilson: That's smart.

Mr Marchese: My goodness. Where are you from, my friend? There you are, in the front. My friend here from Dufferin-Peel says no, that's smart, that funding for square footage is smart. But surely you, taxpayers—citizens, would know. You, taxpayers, surely would understand that you don't fund on the basis of square footage; you fund on the basis of the needs of our population. Surely you, Mr Taxpayer, would know, poverty is a concern, wouldn't you say? So that if you come from a well-to-do place and some child comes from a poverty-stricken home where they might have psychological or physical problems—that's a burden on the teacher and on the educational system and you would want to introduce compensatory educational programs to make up for that. Would you believe that or no?

I ask you, Mr Taxpayer, because the member from Dufferin-Peel says funding on square footage should suffice. Surely you don't agree with that, do you? If you don't agree, you've got to let these people know, because these people are managing our government. They're managing 11 million people. That's a whole lot of people with a whole lot of worries and concerns. Can you imagine social policy being set by people who think we've got to create our funding formula around square footage as opposed to needs? Please.

Busing: all boards had their transportation budgets cut. In the Hamilton-Wentworth board, for example, this resulted in the loss of \$1.2 million and busing services cut for 1,500 students.

Textbooks: the funding formula permits a \$100 expenditure per year for textbooks, computer software and library materials. A high school student taking a full course load would have textbook needs adding up to more than \$400. To hear these people, we're overfunding them, they've got more money than they know what to do with, yet when you present the reality, what do they say? They say they've got a whole lot of money, and fat cats; get rid of the fat cats and that will solve the problem.

Mr McMeekin: Point fingers.

Mr Marchese: Point fingers? No, only the member for Scarborough East can do that. He can say, "Don't listen to the teachers' unions," as he points fingers at them. "But please don't look at us as being the problem. It's somebody else. It's the fat cats. It's not the square footage that's the problem, it's something else."

In 1998, under a Conservative government, Ontario's ranking in education spending slipped to 55th place in North America. The United States average per pupil spending on education is \$7,250. Ontario's average is \$4,007.

Special education: more than 34,000 children in elementary schools alone are on waiting lists for special education services. God bless the Tories.

Since 1997, there has been a 38% decrease in elementary school psychologists.

There is no provision in the funding formula for specialist teachers. The Conservatives consider these teachers non-classroom spending and have forced the following cuts in elementary schools: last year, 44% had no music teacher; 63% had no physical education teacher. "Don't worry about your health. We don't need physical education teachers. It's not classroom spending." Some 62% had no ESL teacher; 82% had no full-time librarian. "We don't need librarians in the schools; they're non-teachers." Design and technology teachers have been cut by 48% in elementary schools since 1998.

The teachers have been so brutalized by these people that we're losing them. They have been so demeaned and diminished and brutalized that they're leaving the system. Good people are leaving the system. We have a brain drain caused by these Conservatives here and they have no way of slowing it down, because everything they do complicates it even more and builds on the incompetence of every decision they made in the past.

Bill 74 compounds the problem, where they have forced secondary teachers to teach longer than ever before and burdened them with more work, as a result of which some of them are saying, "I'm tired. Sorry, I'm tired. I don't have time for the extracurricular activities any more because you've burdened me with more work. I have to make a choice between my health and my desire to do the extra for the kids. You keep on beating me up, and when I get beaten up, I say I'm sorry, I'm tired. I'm hurting a little bit." That's what they're saying.

In that same Bill 74, these people were going to force teachers to do extracurricular activities. That's a professional courtesy that they have performed for years and years. Now they were about to say to teachers, "It's your obligation. You've got to do it whether you like it or not." Then with the pressure they said, "OK, we won't do it, but we'll keep it in abeyance in the event that you don't do it, and then we'll bring it into law."

The final thing is that trustees have no more power. The trustees have been shackled and tape has been put over their mouths, because they can't comment on anything. Not only can they no longer run a deficit, but they can't speak out against anything having to do with curriculum, having to do with budgets, with classroom sizes, teacher-pupil ratios etc. They can't do anything. The only thing they can do is negotiate with the teachers. The only thing boards have left is to negotiate with teachers as it relates to their salaries and benefits. That's all they've got. But there is no money. There is no money in the kitty. There's no money there for the boards to negotiate any longer with their teachers.

That brings me to this bill. What we have is a board or boards many of which will have difficulties down the line, many of which will be facing strikes because boards cannot meet the expectations of teachers who are asking for a modest increase, because there is no money to give. The funding formula is so limited, so tight, so inadequate that there is no extra money to negotiate with teachers. There's no more to give them. So the only tool they had, which is to strike, in my humble view, will yield very little because even if they go on strike, the board in the end says, "I'm sorry, we have no money. We can't help you." So it leaves the government to say, once the boards can't negotiate with the teachers, "We're going to bring back-to-work legislation and get those people back into the classroom."

1730

What we have are several things: a funding formula that is inadequate and a board that can't incur deficits, which means that whatever boards and teachers negotiate, it will be negotiated in such a tight, restrictive environment that boards will not be able to satisfy those needs. When they are told they have to go back to work or are given another opportunity to accept the final offer of the board, the final offer of the board will be limited, and no arbitrator is probably going to give an amount greater than the board is able to offer. Why? Because the arbitrators are restricted to the kinds of decisions they can make, based on the board's ability to pay. If the board doesn't have the money, do you think the arbitrator's ruling is going to be any better than what the board is going to offer? No.

So when the board makes its final offer, as suggested in this bill, my suggestion is that teachers will reject it, it will go to an arbitrator and the board, whose hands will be shackled on the basis of its ability to pay, will say, "Sorry, we won't be able to offer much." Even if the arbitrator is a good one and deems that teachers ought to be getting a much more adequate or fair benefits package or a fair increase in their salaries, he won't be able to give the kind of money that is asked for because it's based on ability to pay, and the board's ability to pay has been diminished because of the inadequate funding formula.

There, good citizens, is the crux of the problem. We need to get back to an adequate funding formula that respects the needs of students and respects the needs of teachers and non-teachers in the educational system. That, good citizens, is what you have to communicate to the Minister of Education and to this government, because they're not listening. They will only listen to you; they won't listen to us. That is why you must become much more engaged. Without you, we will have a system that will be eroded and made worse for students and teachers.

Mr Maves: I appreciate that my colleagues have left me a few minutes to join in this debate. In them I'll have an opportunity to respond to some of the comments by my friend from Trinity-Spadina.

He ended his comments by saying there just wasn't enough money to settle this dispute. He wants to go back

to the days when the box had no bottom and teachers' unions and school boards could just tax and tax and keep reaching into the box, which is empty, in order to give the adults in the system more and more money. Those are the days he wants to return to. Taxpayers clearly said they didn't want that to happen any more.

Interjections.

Mr Maves: The member opposite is yelling about the 42% increase he took when he was a school board trustee. He wants the basket to be a bottomless pit, so they can always reach in and grab more for the adults in the system. But the people of Ontario knew we had to straighten out our own house. They have budgets in their own homes—

Interjections.

Mr Maves: Speaker, how can anyone continue with the cacophony across the way? I'd appreciate it if you would bring some sort of order.

The Deputy Speaker: The member for Trinity-Spadina will come to order.

Mr Maves: The other point that has to be made here is that the member for Stoney Creek, a member who is uniquely affected by the dispute this legislation seeks to end, made this House aware that the president of the teachers' local was stating very clearly that the board has the money to fund the salary increase without the loss of teaching positions. That was the position of the teachers' union leader. So his supporters, the teachers' unions in this field, are saying the money is there. They're saying, "No, you're wrong, member for Trinity-Spadina. In fact, the money is there. The provincial government has provided the money."

The other thing the member happened to say was that people within the system are so discouraged that they're leaving the system. Why are they leaving the system? Many of them are leaving because we provided an 85 factor many years ago. Many years ago teachers waited for a 90 factor, a combination of age and years taught equalling 90, before they could retire. We've lowered that for them. We brought in the 85 factor, and a lot of teachers are taking advantage of that and are leaving the profession.

And you know what? People are clamouring to get into this profession. When we recently completed our SuperBuild competition for funding for post-secondary institutions, there were a whole bunch of institutions that applied for funding to increase the number of spaces they had in their institutions for people entering teachers' college. Why? Because for many years we haven't been able to provide enough spaces for the number of people clamouring to get into this profession. My own wife had to go to Canesius College, and other people have had to go to Niagara University and other places in order to get a space in teachers' college so they could teach. So in the recent SuperBuild application process we opened \$1 billion in the post-secondary institutions for infrastructure, all kinds of programs, including my own Brock University. We need the increased spaces because we have so many people who want to enter this profession.

For the member to say people are leaving the profession because they don't like the way they're treated, they are actually leaving the profession mostly because of the 85 factor, and, as I said, there are people clamouring to get in.

I also want to remind the members opposite that it was them who brought in the social contract. Teachers around this province have pay grids. They usually get about a 5% increase automatically every year in most boards. Depending on your experience and education, you make a higher amount of pay. The members opposite froze that grid, which totally offends, by the way, their belief in supporting a collective bargaining process.

We came in and one of the very first things we did was to get rid of the social contract. We took away the freeze on those pay grids. So what happened is that for almost every teacher around the province, immediately when we came into office in 1995, those pay grids were unfrozen and they moved up about \$8,000, \$9,000, \$10,000 in the pay grid, increase in their annual paycheques, and they've been moving along those pay grids, whereas under the NDP social contract they weren't there.

We've done a lot of other things: board amalgamations to make sure money is not being wasted on administration but is being spent in the classroom; a tough new curriculum, which teachers wrote and teachers like; defined classroom spending so we could protect it for them. We lowered average class size; it was always negotiated by the boards and the unions, and we took what they had negotiated and we have recently lowered it after making the provincial average.

The money is there, the system improvements are there, accountability is now in the system, and it's time to support the kids in Hamilton and get them back into school. That's why I support this legislation and the member for Stoney Creek who worked so hard to get it.

Mr Agostino: I am pleased to have a few minutes to join the debate. I want to make it very clear from the outset that I'm pleased, along with Dalton McGuinty, Marie Bountrogianni, Ted McMeekin and the rest of our caucus, to oppose and vote against this legislation that the government is ramming through the House today. Our job here is to oppose, not obstruct. We are here clearly because the government has mishandled the education system, has mishandled education, has underfunded education, has forced the teachers on to the picket lines, has forced students out of the classroom.

Earlier the member for Stoney Creek accused me of standing with the teachers and against the students, accused me of walking the picket line with the teachers. Isn't that exactly the problem, the attitude that the member for Stoney Creek reflects with this government as one against the other, that you don't see teachers and students as being on the same side? This member believes that because you're standing with the teachers, you're against the students. That is the confrontational us-against-them attitude that has to end in this province.

I'm proud to stand with the teachers, because when I'm standing with the teachers, I'm standing with the

students and I'm standing for better education across this province. I'm proud to walk the picket line with the teachers, because they are there for the betterment of their students, for better education, for smaller classes, more textbooks, more computers, the things that this government has cut out. It's a question of priorities.

Interjection.

Mr Agostino: I hear the member from Niagara, Mr Maves, heckling again. He thinks this government has its priorities right. This government believes it's OK to propose 42% increases for MPPs. This government thinks it's OK for MPPs to get a 42% increase. I understand that. We don't. We believe it's more important to put the money into the classroom. We believe it's more important to look after kids than after our own increases. They don't understand that. They think this is the solution here. This is the quick fix. "We're going to be bullies. We're going to use the power of government to legislate back to work." Let's understand clearly that the ruling by the ERC is the shortest in the history of the province of Ontario for the year being in jeopardy, 15 days. Let's understand that what this government is doing here tonight is simply putting a Band-Aid on a very serious problem.

1740

Forcing teachers back into the classroom tomorrow morning doesn't solve the fact that they have ripped and stolen and taken \$1,100 per student out of the education system in Hamilton. That is the problem. The reason the teachers are on strike is because of Mike Harris, Janet Ecker and the government destroying and gutting our education system in Hamilton, and forcing the teachers back to work tomorrow morning is not going to solve that problem. You'll have the students back in the classroom, but you'll have a serious problem on your hands.

This government has demoralized and attacked teachers, they've gone after teachers and they have made teachers public enemy number one. This government has had five years of beating up and demoralizing some of our most valuable assets in this province: the men and women whom we entrust with our children's future; the men and women in the classroom who look after the kids in this province. That is what this government has done. They have made them out to be some evil, uncaring group of individuals who are selfish, who care only about themselves. That is wrong; that is inaccurate; that is the portrayal this government wants. It is not one that we believe in on the Liberal side of the House.

The system you've put in place is rigged. You now have a situation where you're going to have an arbitrator, ultimately, at the end of this, an arbitrator whom you put a straitjacket on, an arbitrator whom you have put some very tight controls on, who cannot rule beyond the ability to pay. But you've set that ability to pay for the boards. You have set the rules; you have set the game; you have decided exactly how this is going to unfold, and frankly you are to blame for the situation you have today.

Understand clearly that what this government has done in Hamilton they're going to repeat across Ontario.

There are going to be strikes, there are going to be lockouts, there are going to be disputes, because you have fundamentally taken away the ability of school boards to make decisions; you have taken away the ability of local communities to make decisions. You have taken away the bargaining process that was in place. Let me tell you, when the Minister of Education and the member for Stoney Creek started talking about back-to-work legislation a week or 10 days ago, you killed any opportunity whatsoever of a local negotiated settlement. You poisoned the well. You disrupted any hope there was of a local settlement. The teachers wanted a local settlement, the board wanted a local settlement, the parents wanted a local settlement, but you have taken that away.

Let's make it clear—the members of the government don't understand this—teachers are not the enemy here. The teachers are not whom we're fighting against. The teachers are on the same side as the students and parents: quality education, smaller classrooms, better equipment, textbooks that are not 10 years out of date—working conditions for teachers are students' learning conditions. This government doesn't understand that. Tonight with your majority, with the blank cheque that you've written yourselves to control education in this province, you're going to flex your muscles, you're going to pound your chest and you're going to proclaim you've won. You're going to proclaim that you forced teachers back into the classroom and that you've won this fight. There's no win here for anybody, because you have poisoned the relations in Hamilton. You have demoralized teachers even further and you've done absolutely nothing to help students in the classroom.

Again I say to this government, if they were serious about helping education in Ontario, if this government were serious about improving the quality of education with this legislation, they would also send back to Hamilton the money they ripped out of our system. Understand clearly: there is \$1,100 per student less today in the Hamilton public school system than there was five years ago. I'm sorry the Minister of Labour just walked in. We made it clear at the beginning and we're going to continue as a caucus to make it clear that we will not support this type of regressive, teacher-bashing, anti-education, anti-student legislation that this government has brought in.

Interjections.

Mr Agostino: In the government they're all heckling. The ministers are rolling in; the limos are revving up. They're here for this vote. The limos are all waiting outside so they can get out of here after this vote is over and celebrate their victory over the teachers. We understand that. But let me tell you, here in the Liberal caucus we stand with the teachers, because the teachers stand with the students, the students stand with the parents and they all stand for better education, for quality education, for effective education, unlike this government, that believes that what is effective is to beat up teachers and demoralize teachers. We believe we work

with teachers, we work with parents, we work with students and we work with every party in the education system. We're going to oppose this legislation, which does nothing but help destroy education in the city of Hamilton.

The Deputy Speaker: The time allocated for debate is now complete.

Mr Jackson has moved third reading of Bill 145, An Act to resolve a labour dispute between the Elementary Teachers' Federation of Ontario and the Hamilton-Wentworth District School Board. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. It will be a 10-minute bell.

The division bells rang from 1746 to 1756.

The Deputy Speaker: All those in favour will stand one at a time until they're recognized by the Clerk.

Ayes

Arnott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Coburn, Brian
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda

Hardeman, Ernie
Harris, Michael D.
Hastings, John
Hodgson, Chris
Hudak, Tim
Jackson, Cameron
Johns, Helen
Johnson, Bert
Kells, Morley
Klees, Frank
Martiniuk, Gerry
Maves, Bart

Ouellette, Jerry J.
Palladini, Al
Runciman, Robert W.
Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.

Flaherty, Jim
Galt, Doug
Gilchrist, Steve
Gill, Raminder
Guzzo, Garry J.

Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Mushinski, Marilyn
O'Toole, John

Tumbull, David
Wettlaufer, Wayne
Wilson, Jim
Witmer, Elizabeth
Wood, Bob

The Deputy Speaker: All those opposed will please rise one at a time until recognized by the Clerk.

Nays

Agostino, Dominic
Bartolucci, Rick
Bountrogianni, Marie
Boyer, Claudette
Bryant, Michael
Caplan, David
Christopherson, David
Churley, Marilyn
Cleary, John C.
Conway, Sean G.
Cordiano, Joseph
Crozier, Bruce

Curling, Alvin
Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Gravelle, Michael
Hoy, Pat
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Lankin, Frances
Levac, David

Marchese, Rosario
Martel, Shelley
Martin, Tony
McGuinty, Dalton
McLeod, Lyn
McMeekin, Ted
Patten, Richard
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Ruprecht, Tony
Sergio, Mario

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 51; the nays are 36.

The Deputy Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

It being 6 of the clock, the House stands adjourned until 6:45.

The House adjourned at 1759.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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CONTENTS

Tuesday 21 November 2000

MEMBERS' STATEMENTS

St Joseph's Villa	
Mr McMeekin	5617
Scouts Canada	
Mr O'Toole	5617
Tax rebate	
Mr Brown	5617
Police Association of Ontario	
Mr Mazzilli	5618
Mr Levac	5619
Anti-crime legislation	
Mr Bryant	5618
York University labour dispute	
Mr Marchese	5618
Royal Agricultural Winter Fair	
Mr Johnson	5618
Toronto municipal election	
Mr Young	5619

FIRST READINGS

Canadian National Exhibition Association Act, 2000,	
Bill Pr32, <i>Mr Kells</i>	
Agreed to	5619
Municipal Amendment Act (Adult Entertainment Parlours), 2000,	
Bill 146, <i>Mr Bartolucci</i>	
Agreed to	5620
Mr Bartolucci	5620

STATEMENTS BY THE MINISTRY AND RESPONSES

Appreciation of police	
Mr Harris	5620
Mr Tsubouchi	5621
Mr McGuinty	5622
Mr Hampton	5622
Mr Kormos	5623

ORAL QUESTIONS

Special report, Provincial Auditor	
Mr McGuinty	5624, 5625
Mr Harris	5624, 5625, 5626, 5627
Mr Hampton	5626, 5627

Ambulance services

Mrs McLeod	5627
Mrs Witmer	5627

Mandatory drug testing

Mrs Munro	5628
Mr Sampson	5628

Agricorp

Mr McGuinty	5628, 5630
Mr Hardeman	5628, 5630

Post-secondary education infrastructure

Mrs Elliott	5629
Mrs Cunningham	5629

Labour legislation

Mr Christopherson	5630
Mr Stockwell	5630, 5632
Mr Agostino	5631

Children's services

Mr Stewart	5631
Mrs Marland	5631

Provincial parks reservation system

Mr Galt	5632
Mr Snobelen	5633

PETITIONS

Safe streets legislation

Mr Patten	5633
-----------------	------

Northern health travel grant

Ms Martel	5633
Mr Bartolucci	5634

Highway safety

Mr O'Toole	5634
Mr Stewart	5634

Environmental Bill Of Rights

Mr Gravelle	5634
-------------------	------

Parental leave

Mr Martiniuk	5635
--------------------	------

Long-term care

Mr Brown	5635
----------------	------

McMichael Canadian Art Collection

Mr Tascona	5635
------------------	------

Registration of vintage cars

Mr Gill	5635
---------------	------

Remembrance Day

Mr Stewart	5636
------------------	------

THIRD READINGS

Back to School Act (Hamilton-Wentworth District School Board), 2000, Bill 145, <i>Mr Stockwell</i>	
Mr Jackson	5636
Mr Clark	5636
Mrs Bountrogianni	5638
Mr Tascona	5640
Mr Kennedy	5641
Mr Christopherson	5643
Mrs Pupatello	5646
Mr Gilchrist	5647
Mr McMeekin	5648
Mr Marchese	5649
Mr Maves	5652
Mr Agostino	5652
Agreed to	5654

OTHER BUSINESS

Special report, Provincial Auditor	
The Speaker	5619

TABLE DES MATIÈRES

Mardi 21 novembre 2000

PREMIÈRE LECTURE

Loi de 2000 modifiant la Loi sur les municipalités (locaux de divertissement pour adultes), projet de loi 146, <i>M. Bartolucci</i>	
Adoptée	5620

PÉTITIONS

Frais de transport aux fins médicales	
M ^{me} Boyer	5636

TROISIÈME LECTURE

Loi de 2000 sur le retour à l'école (Hamilton-Wentworth District School Board) Projet de loi 145, <i>Mr Stockwell</i>	
Adoptée	5654

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**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 21 November 2000

Mardi 21 novembre 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 21 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 21 novembre 2000

The House met at 1845.

ORDERS OF THE DAY

CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000

LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS

Resuming the debate adjourned on November 20, 2000, on the motion for second reading of Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / *Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.*

The Acting Speaker (Mr Tony Martin): The member for Willowdale had the floor. He said he was dividing his time with Mr Dunlop and Mr Coburn. Neither of them is here, so we're going to move on to the official opposition—

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: Apparently, if he didn't mention Mr Tascona, it was an oversight. Could we seek unanimous consent to go to Mr Tascona?

The Acting Speaker: Do we have unanimous consent? OK.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm certainly pleased to be able to speak on Bill 140, the Continued Protection for Property Taxpayers Act.

This government had the courage to reform the property tax system, a system that was grossly out of date and, as a result, extremely unfair. Many taxpayers in similar situations were paying very different property taxes and facing whopping increases. In 1998, Bill 79 implemented measures to protect businesses in Ontario from large property tax increases, giving municipalities the tools necessary to implement tax reform in a fair and manageable way, limiting reform-related increases through 10%, 5% and 5% caps until the end of the year 2000.

The government has made a commitment to maintain its limits on reform-related business property tax increases beyond 2000, until tax fairness is fully achieved. Legislation has been introduced and, if passed by the Legislature, will implement the commitment to continue limits on reform-related tax increases and enable muni-

cipalities to use a range of tools to achieve the limits on tax increases.

The proposed legislation will continue our ongoing commitment to restore fairness to the property tax system, not in one day but over a manageable period of time, and through a system that respects the needs and concerns of Ontario stakeholders. After consultation with the relevant stakeholders, including the Association of Municipalities of Ontario, also known as AMO, and the Canadian Federation of Independent Business, we will be providing municipalities with simplified tools to enable them to meet the limits.

If passed by the Legislature, the Continued Protection for Property Taxpayers Act would implement the following measures for the year 2001: require municipalities to limit the reform-related tax increases on commercial, industrial and multi-residential properties to 5% per year; give Toronto the option of maintaining its current limit of 2.5% per year; enable municipalities to use a range of tools to achieve limits on tax increases, including a simplified capping mechanism, optional property classes, graduated tax rates, a tax reduction mechanism, a simplified phase-in and more flexible financing options; require landlords to maintain limits on tax increases for business tenants where the limits were previously applied; continue to protect low-income senior and disabled homeowners by requiring municipalities to provide relief from tax increases; and continue to protect charities through mandatory rebate programs.

This act would also implement a new real-time approach to the taxation of vacant business properties and new treatment for power dams. It would make various technical amendments to the Assessment Act and the Municipal Act to improve the equity and administrative effectiveness of the property tax system.

The government agrees that business property taxes are too high. That is why we committed to education tax cuts for business property classes. In the 1998 budget, the government introduced an eight-year, \$500-million business education tax reduction to bring business education taxes down to the provincial average. In recognition of the fact that business property taxes are too high in many communities across the province, municipalities would not be permitted to impose levy increases above the 5% limit where the tax ratio for the class exceeded the prescribed ratio. We have clearly said that if municipalities with above-average rates reduce their own portion of taxes on businesses, the government will match those cuts through an accelerated business education tax reduction.

The two opposition parties allowed property taxes to increase year after year. In fact, from 1985 to 1995, education taxes under their governments increased by 120% when enrolment in our education system went up only 16%. Although study after study told previous administrations that the property tax system was outdated and unfair, they did nothing to change it. With our reforms, fairness will finally be restored, not in one day but over a reasonable period of time.

1850

There are a number of significant dates in dealing with this. During the week of November 13, 2000, assessment notices were mailed to taxpayers. By December 19, 2000, assessments will be finalized, and they will be given to municipalities by the spring of 2001.

Higher property tax assessments do not necessarily translate into higher property taxes. There are two components that make up property taxes: local taxes, which are set by municipalities, and an education portion set by the province. Tax impacts will not be known until the municipalities and the province set tax rates for the year 2001. This will occur in the spring of 2001. So higher property assessments do not necessarily translate into higher property taxes because of the two components: local taxes set by municipalities and the education portion set by the province. Homeowners who see that their assessment has gone up should be watching very carefully how the municipalities deal with their local taxes.

We are introducing the bill now so that municipalities and taxpayers will have the full knowledge of the system that will be in place after the current caps expire at the end of this year. By introducing the legislation now, municipalities should be in a position to do their tax impact analysis and to make tax policy decisions in a timely way, without delaying the issuance of tax bills for the year 2001.

This government remains committed to its property tax reform effort and to the implementation of current value assessment, also known as CVA. The limits on tax increases are necessary to ensure a fair and manageable transition from a badly outdated assessment system to the new CVA system. Property tax reform is proceeding on track and the government is pleased with the progress that has been made to date. This legislation is designed to respect differences among municipalities regardless of where they are on the movement toward CVA. When individual properties reach their CVA destination, they will not be subject to the limit.

There is a limit for tenants. The 5% limit, or the 2.5% limit if chosen for Toronto, would extend to business tenants as well as to the business properties. The limit would only apply to tenants who were subject to the 2.5% or the 10%, 5% and 5% caps. That is, the limits would apply only to tenants who occupied their premises as of December 31, 1997. Tenants who entered into leases after December 31, 1997, would have had knowledge of the new property tax system and would have negotiated the tax apportionment terms of their leases with their landlords with knowledge of the impact of

reform. The tenant limits are designed to protect tenants who negotiated leases prior to the reform without interfering in the leases of new tenants.

We have said, with respect to business education taxes, that business property taxes are too high. That is why we committed to the education tax cuts for business property classes. In the 1998 budget, the government introduced an eight-year, \$500-million business education tax injection to bring business education tax rates down to the provincial average. The cut is approximately \$65 million per year. The province is accelerating the business education tax cut so that in the year 2001 we'll be giving a \$130-million reduction, as opposed to a \$65-million reduction. That will bring the total to \$325 million a year for the year 2001. We have clearly said that if municipalities with above-average rates reduce their own portion of taxes on businesses, the government will match those cuts through an accelerated business education tax reduction.

This legislation would add a further measure to bring down high business taxes relative to residential taxes. Municipalities would not be permitted to impose levy increases above the 5% limit on business property classes if the tax ratio of the class, relative to the residential tax rate, is above the prescribed threshold ratio. If the legislation is passed, the threshold ratios would be set at the provincial average.

There's protection for homeowners with respect to this legislation. The province is not forcing municipalities to increase residential taxes. I think that bears repeating: the province is not forcing municipalities to increase residential taxes. God knows municipalities have that power—they could increase taxes as much as they want—but we are not forcing them to increase residential taxes. That's a decision that will be made by the newly elected councils as they come in, in December. There's nothing in the legislation that does this. The decision to raise taxes is a municipal one.

In terms of reassessment, if there are tax changes among residential properties, the bill gives municipalities a number of mechanisms to address them in a fair and manageable way. Municipalities can choose to phase in tax changes over a period of up to eight years. They must provide tax relief to low-income senior and disabled homeowners who face tax increases as a result of the reassessment. And they can choose to increase that tax relief if they believe it is appropriate.

Unlike business properties, many residential properties are already at their current value assessment. As I indicated earlier, the people should bear in mind that higher property assessments do not necessarily translate into higher property taxes. There are two components: local taxes, which are set by municipalities—and municipalities are not mandated by this legislation to raise residential property taxes; it's up to the municipality—and also an education portion set by the province.

In closing, I just want to say that the reform was necessary. Certainly we're committed to current value assessment throughout the province and also to lowering business property taxes, which are too high.

I'm turning over the floor now to the member for Scarborough East, who'll continue the debate.

Mr Steve Gilchrist (Scarborough East): I'm pleased to add a few comments to the debate on the Continued Protection for Property Taxpayers Act.

I think my colleague has very ably made the point that the very starting point for any discussion about what's in this bill has to be that there is nothing related to assessment—let me repeat, nothing related to assessment—that in and of itself causes any person in this province to have their property tax increase.

There are two parts to the equation to derive your property tax. One is the assessment; the other is the mill rate. As has been ably pointed out by the ministry in the press release that accompanied the introduction of this bill, that mathematical formula is totally at the control of the municipality. What wasn't within their purview, one could argue, was the ability to standardize, province-wide, the assessment system.

I'm very proud of the fact that some three years ago we introduced a bill that took a system that was fraught with inconsistencies from one end of the province to the other—in fact, from one end of the city of Toronto to another. There were parts of the city of Toronto that had not been reassessed for over half a century. There were other parts, Scarborough for example, with relatively up-to-date assessments. The inconsistency derived from that meant that when you applied the same mill rate, there were multi-million-dollar mansions in downtown Toronto paying under \$1,000 a year in property tax. At the same time, in my riding there were homes on Guildwood Parkway, not all that substantial homes—nice street, decent-sized lots—paying \$10,000 a year.

I look forward with great interest to see if my colleagues in the Liberal Party from Scarborough in any way recognize the fact that 89% of the households in their jurisdictions have seen a tax decrease as a result of the legislation we brought in. That reduction will continue with the updated assessment that has recently been circulated to all property owners in Ontario. We have seen once again that even within Toronto the downtown core has seen increases, but in Scarborough, relative to the downtown core, every single property has seen its assessment relatively reduced. Where we go from that, though, is totally within the purview of the municipal governments.

1900

Let me start tonight by saying the challenge is there to the city of Toronto and every other municipal government that they should not take the cowardly path, the path of least resistance, and cop out and suggest that just because assessments have changed, any taxpayer in this city or anywhere in the province should see their property taxes increase. Instead, with the myriad of tools we have given them, such as area rating, the ability to set a different mill rate for a different part of the city, such as the caps on business taxation, such as the fact that we have allowed them to create new categories and further refine the property tax base down to the point that you don't

have to compare apples and oranges, you don't have to compare a shopping mall with a big bank tower in downtown Toronto, there is absolutely no reason that anything to do with assessment should result in one penny in increased revenue for the city of Toronto. The challenge goes out here and now for them to instead use some creativity, use the tools that have been given to them by the Minister of Finance, that have been added to in this bill, and guarantee that efficiency and effectiveness are their hallmarks, not picking the pockets of the property taxpayers. It is utterly shameful that we have seen the kind of speculation we've seen in the media, source unknown, these last few weeks, that somehow the city of Toronto is resigned to the fact there have to be property tax increases.

I'm sure I'm not alone in having examined the detailed budget of the city of Toronto. I have also looked with great interest at the successes in municipalities, such as Indianapolis, where the application of best practices, the application of competitive tendering, a commitment to doing the best they can with the taxpayers' dollars, has seen services increase. In Indianapolis, property taxes actually decreased 25%, and despite that decrease, they have \$1 billion more per year to allocate for capital projects. They have dramatically improved the infrastructure in that municipality: new roads, new sidewalks, revamped street lighting, an increased number of police officers on the street. Those are the examples I would hope the city council here in Toronto and other city councils across this province use as their example.

The status quo of simply ratcheting up the property tax year after year just because you can is not acceptable any more. The taxpayers are too smart. The taxpayers understand the city has options, and we've increased the options they have with this bill. There is no doubt that when you look at a system where 89% of the households in Scarborough were unfairly taxed, to in any way defend that status quo is to absolutely insult the intelligence of the voters. I hope my colleagues opposite don't try to do that.

Instead, we have given stability as we move to a new province-wide property tax assessment system, particularly for businesses, that has never been in the system before. No municipality will be allowed to increase the assessment-related portion of business property taxes by more than 5%. But let me make it very clear that if in any municipality the assessment is used to rationalize that 5% increase, somewhere else in that municipality there is a business that is entitled to a 5% decrease. This is revenue-neutral. It is critical that the business community and residential taxpayers understand that and that they don't get the wool pulled over their eyes. The fact of the matter is, here in Toronto with that now 60-year-out-of-date assessment in the downtown core, we have actually given them the option to maintain a cap at only a 2.5% increase.

We've had remarkably few questions since the 1999 election on any issues related to the economy, job creation and taxation. I have to take from this that the

members realize there are darned few points with which they can take exception in terms of what's happening all across Ontario. But I'm going to tell you that my experience as a property owner in the city of Toronto, both business and residential, was that in all of the years before we were elected, you did not get away with something as low as a 2.5% increase. The fact that that has been the cap on any business in the city of Toronto for the last three years is, in real terms, a dramatic reduction from what had been the traditional pattern. Year after year, the city picked your pocket, the school board picked your pocket and the poor, long-suffering taxpayers simply had to take it.

I used the example this afternoon, but it bears repeating here today, that one of the things we did to protect property taxpayers was take away the ability for school boards to pick your pocket. We took away the ability for school boards to take another tax on the property, residential and business. The reality is, in the 10 years before we were elected, here in Toronto school enrolment went up 16%—to be fair, inflation was 40%—but education property taxes went up 120%. There was no accountability. There was no recognition of the fact the taxpayers were already paying too much. We have stopped that and we have reversed that.

I am particularly proud that here in Toronto we are also going to be seeing the lion's share of the impact of accelerating our reduction in the business education tax that is paid from the city of Toronto. A number of municipalities, but first and foremost the city of Toronto, had a business education tax far above the provincial average. The province has committed half a billion dollars to bring those municipalities in line. These are dollars that we are forgoing. The school board is still getting the money. We are finding that revenue from other sources: sales tax, income tax, the growing economy, the 780,000 new taxpayers we have in this province. We're not getting it off the backs of property taxpayers.

The lion's share of that reduction will be felt here in the city of Toronto, where for far too long the only real marketing tool that Vaughan, Pickering, Mississauga and Markham had was the fact that they had much lower property tax rates. There was nothing better about their climate. Their workforce is as well trained or not. Access might even be less convenient than those businesses that used to operate right here in the downtown core. Mr Speaker, you can remember all those factories, I am sure. They used to be located near the CNE, used to be located on the Ataratiri lands down at the foot of Bayview. They're almost all gone now. Why did they move? Because they were bribed away by lower property tax rates.

The cost of delivering municipal services is not different just because you're north of Steeles. It costs presumably the same amount to run a snowplow down a street or a lawn mower over a city park. When they buy a book for a library, it costs exactly the same in Vaughan as it does in the Toronto library system. But the reality is, the administrative waste here in the city of Toronto was taken to gargantuan proportions.

It has still not been addressed. Part and parcel of the challenge to the city of Toronto has to be to take advantage of the benefits of amalgamation. They themselves admit they have saved \$134 million a year as a result of the ability to harmonize services and find new efficiencies, but that is the tip of the iceberg. They should be satisfied with nothing less than what Indianapolis has done. They should be setting a standard of a 25% reduction in total spending in the city of Toronto, and if they can't do it, they should admit that and find staff who can. I would submit that if you can't look anywhere else, look at the city of Indianapolis and second their people, because they've done it.

1910

The tools we've introduced today expand on the successes of the property tax reforms we've brought in these last three years. There is no doubt that when you look around my community you can hardly find an empty square foot of retail space today, you can hardly find an empty lot that hasn't been developed. The reality is that we have seen already progress toward getting business back into Toronto, restoring business confidence.

I met with the Scarborough Chamber of Commerce the other day and I was very pleased with the response that my colleagues and I had, the unanimous sense in that room that we have turned a corner and that the province, and particularly Scarborough, is heading in the right direction. Business confidence is at an all-time high and consumer confidence is right up there as well.

This bill was produced after consultation with all the relevant stakeholders. We met with AMO—the Association of Municipalities of Ontario—the Canadian Federation of Independent Business and any number of other groups that in the past have proven invaluable in making contributions to the reforms of the property tax system.

But when you look at the job still to be done here in Toronto, it is staggering indeed. I asked the ministry to produce a chart for me to illustrate, probably better than any political rhetoric could, the dramatic difference in property tax rates here in the city of Toronto. There are a number of municipalities, to be fair, that have commercial, industrial or multi-residential rates that are higher than the provincial average. Obviously, to produce an average you're going to have highs and lows. It's the extreme to which some of them vary that I think should cause tremendous concern to people around this province.

In Ontario, the commercial tax rate average is a mill rate of 1.417. Here in Toronto it is 4.2759. It is triple what the businesses in every other community across this province, including right next door north of Steeles or the other side of the Rouge River or the other side of the Etobicoke Creek, are being asked to contribute toward municipal services. It is disgusting. It is disgusting the lack of leadership, it is disgusting the lack of management, it is disgusting the lack of fiscal control, decades long, that has led us here today. A pox on the house of all the politicians who year after year voted for those tax increases: the education tax increases and the municipal tax increases.

It doesn't stop there, though. That was the commercial ratio. Why don't we have any industry left in the city of Toronto? The provincial average there is a mill rate of 2.357. Here in Toronto—my goodness, they have been very careful to limit the imposition—it's only 5.9685. So it isn't triple what the shopping centres are paying, it isn't triple what the corner variety store is paying, it's only two and a half times, which is what the Inglis factory would pay if it was still in business in downtown Toronto. It was put out of business because of the costs. It's two and a half times what GM is paying in Oshawa. It's what the old Scarborough van plant, which employed 2,000 people who may very well have lived in Mr Phillips's riding just as much as they might have lived in mine, was paying. Those jobs are gone. They're gone for good; there's a shopping centre now there today. They're gone because the city of Toronto decided that the taxpayers had an unlimited capacity to write cheques. Well, they don't.

Perhaps most egregious—and you have to shake your head when you hear the rhetoric from the city of Toronto council and those who would suggest that some of those councillors really do care about tenants, that they care about the cost of housing here in the city of Toronto and they care about the provision of affordable housing to those who don't have any other choice. Again, one of the dirty little secrets in the property tax business is that your apartment does not pay the same tax rate per square foot as the home just down the block. In fact, thanks to the federal government and the fact that they won't rebate GST if you build an apartment building, if you build a building in the city of Toronto and you call it a condo you'll pay single-family-home rates. If you build the same building and you call it an apartment, do you want to know how much you pay? You pay 5.2355 times as much money—five times as much property tax per square foot. That's how much the city of Toronto cares about tenants.

So while they were quite prepared, because no doubt they get more donations and there's no doubt also from voting records that they get more votes, people actually turn out in Rosedale and Forest Hill—they kept those taxes down. Those million-dollar mansions were only paying \$800 a year. On the flip side, every ruddy apartment in Mr Phillips's riding and my riding and all the ridings in Scarborough are paying five times as much tax as they would if you called the building a condo, or if that same 1,000 square feet was a single-family home. Nobody on the other side did anything to change that. We have said no one can increase those taxes beyond that range of fairness. You can't do it in multi-residential, you can't do it in commercial and you can't do it in industrial.

The suggestion from the other side may be, why don't we fix it altogether? I'd love to have that challenge. If you want to introduce a bill that says that, I'll vote for it, because if that's what it takes to do proper budgeting in the city of Toronto and proper tax setting, I believe we're up to that task. The reality is, though, that we still do in our system expect the municipalities to reflect on the

local capacity to pay for the basket of services required. That really is the only function of municipal government. We still ask them to do that balancing act. Here in Toronto and some other municipalities across Ontario they have not qualified for a job in any circus I know. They have dropped the balls in this juggling act completely.

This bill will guarantee it cannot get any worse. It guarantees that businesses in our city will have any tax changes controlled, and for any business that goes up there must be a business that goes down, unless the city of Toronto goes back to their old ways and increases their own spending. That's the only way property tax can go up. Nothing related to assessment in and of itself increases anyone's property taxes anywhere in the province of Ontario. That's the bottom line. That's the challenge we're going to be making to municipalities. We're watching what they do and we expect them to respect the taxpayers as they've never respected them before.

The Acting Speaker: Comments and questions?

Mr Rick Bartolucci (Sudbury): The government's cynical view of municipalities and municipal politicians is shameful. Do you know that that cynical view the government shares about the municipalities across Ontario is about half as cynical as what the municipalities are saying about this government, for the people of Ontario should know that this is the eighth attempt at a property tax bill in three years. From 1997 to today, this government has introduced eight different bills trying to get it right. Along the way our critic, the member for Scarborough-Agincourt, has told the government repeatedly about the shortcomings in their legislation, but this government, because they're never wrong—so they say—has failed to listen. That's why we find ourselves in the situation we are in today.

Listen, there's chaos out there and it isn't the municipalities' fault. It's the fault of this government for introducing eight bills over the course of the last three years. Do you know what? They still haven't got it right. This bill does not address a distinct small business class of property taxpayers. That's a big problem. It's a big problem in my area and it's a big problem all over the province of Ontario.

In the Who Does What exercise, David Crombie said that the income redistribution programs should not be financed from the property tax base. Guess what? They've done nothing with this bill to create that air. There are only two small indications to the people of Ontario, that I'm sure and they're sure that this government will be coming in with a ninth attempt to get it right. If they had only listened to us, they may have gotten it right the first time.

1920

The Acting Speaker: Further comments and questions?

Mr David Christopherson (Hamilton West): One word jumped out at me and I'll refer to the comments of the member from Scarborough East. In his remarks he used the word "stability," and I believe it was in the context that you provided stability by virtue of your govern-

ment and the eight bills that we've seen on this issue. I want to tell you that in the community I represent, there is anything but stability. We dealt today with an issue that speaks very directly to the bill that's before us in terms of property taxes, who decides what, who does what to whom and, at the end of the day, the turmoil that your government has caused in our local education system in Hamilton—your continuing attack on the teachers. I used the HSR strike as an example last night; that's the bus drivers. In Hamilton it's the HSR. The bus drivers and our regional council were at odds. They're scrambling to try to find money to deal with the issue of public transit which you've downloaded; social housing which you've downloaded; ambulance services which you've downloaded.

That's quite the contrary to stability, I say, through the Speaker, to the member from Scarborough East. I can't speak as clearly for other communities, but it sounds to me from listening to some of my colleagues and friends on this side of the House that they share a similar reality. I want to say to you that that reality is instability, uncertainty. In some cases, on the part of the more conscientious councillors, fear, in terms of the future of our communities because of the way you have rejigged who pays for what. At the end of the day, it's the ordinary taxpayer who is getting in the neck, thanks to you.

Mr John Hastings (Etobicoke North): We've heard these comments from the members opposite before, but there's one thing that the members opposite need to be reminded of constantly. With respect to the city of Toronto and what the member for Scarborough East has said, having been a member of Etobicoke council for eight years, I know that in the city of Toronto and the greater Metro area there were at least six attempts made municipally and regionally to change the tax assessment base to bring it up to date. Even Mr Peterson, as Premier, made that attempt. They failed.

With respect to the NDP, they initiated some of the things we started and have completed in the Who Does What exercise. Guess what, folks? You may not want to hear it, but the member for Sudbury recited about Mr Crombie and all the things that were proposed in there. It was AMO that came to us and said, "We would like something done with the education costs on the property tax." Originally, we were going to assume 100%—the member for Scarborough-Agincourt can mock the air all he wants, but the fact is that there was an initiating exercise started, and that's why you have some of these things realigned.

It's about time that the councils in various municipalities, but particularly in the city of Toronto, get down to work and look at their costs. But no. What they want to do, as I expect, "We have to increase taxes to deal with this issue." Yet they hold in their hands—get this—nearly \$7 billion in a real estate portfolio, from which they've hardly sold off one item in the last three years when the real estate market was good. We need action in these areas. I'm hoping the city of Toronto will get caught up, finally.

Mr Gerry Phillips (Scarborough-Agincourt): It's ironic that the member for Scarborough East, Mr Gilchrist, would try and bash municipalities on the very day that the Provincial Auditor came down with both gloves and said, "The province is mismanaging the taxpayers' money." His value-for-money report came out today, and he was asked by the media, "Is it getting worse?" He said, "The last two years," this year and last year, "are the worst reports on the government I've ever written. The value for money is worse." It is getting worse.

The municipalities aren't going to take any lecture from Steve Gilchrist or Mike Harris on financial management the very day that the province got an indictment of its financial management from our independent Provincial Auditor, who couldn't have been more clear in saying that the government is driven by ideology. They are determined to privatize things when jurisdictions around North America are unanimously saying that if they had to do it again, they wouldn't do it; they would not move as quickly as this government is moving. So the municipalities aren't going to take any lecture from Steve Gilchrist on this.

The second thing I'd say is that all the businesses in the province should realize that more than half their taxes go not to the municipality; they go to Mike Harris for education. Mike Harris sets more than 50% of the property taxes for all of our businesses in the province, and, by the way, he doesn't do it here in the Legislature. He does it behind closed doors.

I would say to the member for Scarborough East, this is what businesses are paying, and I want to know the answer: why is it that in Brockville, businesses assessed at \$500,000 are paying \$23,000 in education taxes for Mike Harris, and the identical business in Parry Sound is paying \$5,000? I say to our businesses throughout the province, first, that more than half your property tax goes to Mike Harris and education, and you see gross inequities: Parry Sound businesses paying \$5,000 and Brockville businesses paying \$23,000 for identical businesses. That's where you're getting ripped off.

The Acting Speaker: Response?

Mr Gilchrist: Thank you to the members on both sides for their comments.

I find it intriguing. The member for Sudbury's municipality charges 11% more than the provincial average on both industrial and commercial. The member for Hamilton West in this House has talked about how overtaxed his municipality is, and he's right. Commercially, you are 81% above the provincial average, and your municipal government has set the industrial rate at 90% above—almost double—what other municipalities across Ontario have been able to live on. So I would suspect the criticisms are not all that deeply felt, if in fact they care about businesses in their own communities.

To Mr Phillips, the member for Scarborough-Agincourt, it's incredible that you would stand up and make a suggestion like that. Why are the education taxes different? Because people like you, former school board

trustees, set the taxes up there. That's why, Mr Phillips. The reality is, the only direction education taxes have gone under our government is down. You must have missed the part about the fact that we are levelling everyone down to the provincial average, half a billion dollars that we are taking off that you personally put on in Scarborough. You personally added the pressure that forced GM and countless other businesses to go out of business in Scarborough, and you have the audacity to sit here and ask us why we haven't, overnight, solved the problems you created for a decade before we got here? What gall. What incredible gall.

I'd be willing to make a wager as we go through here that the criticisms we hear in the Liberal and NDP presentations will be at least 99% rhetoric and maybe, just maybe, 1% specific criticisms of the bill. If you don't want businesses to have tax increases, join us in voting for this bill; otherwise, be part of the problem that has vexed businesses for far too long.

ROYAL ASSENT

SANCTION ROYALE

The Acting Speaker (Mr Tony Martin): I beg to inform the House that in the name of Her Majesty the Queen, His Honour the Administrator of Ontario, has been pleased to assent to certain bills in his office.

Clerk at the Table (Mr Todd Decker): The following are the titles of the bills to which His Honour did assent:

Bill 124, An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in respect of penalties / *Projet de loi 124, Loi modifiant la Loi sur la protection de l'environnement, la Loi sur les ressources en eau de l'Ontario et la Loi sur les pesticides en ce qui concerne des peines ayant trait à l'environnement.*

Bill 145, An Act to resolve a labour dispute between the Elementary Teachers' Federation of Ontario and the Hamilton-Wentworth District School Board / *Projet de loi 145, Loi visant à régler le conflit de travail opposant la fédération appelée Elementary Teachers' Federation of Ontario et le conseil scolaire de district appelé Hamilton-Wentworth District School Board.*

1930

CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000 (continued)

LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS (suite)

The Acting Speaker: Further debate?

Mr Phillips: I request the approval of the Legislature that the member for Windsor West and member for York West share my time, Mr Speaker.

I want to begin by following up on the comments of the member for Scarborough East, Mr Gilchrist. I'm just going over what the Canadian Federation of Independent Business reported to us. This isn't something from me; this is from the Canadian Federation of Independent Business. It was just a matter of, I think, two weeks ago that they sent every member of the Legislature this report. What they point out is this: that Mike Harris is still setting over half of the business property taxes. It's not the municipality, it's Mike Harris. And by the way, it's not set through a debate here in the Legislature, it's not set where the public is able to come and see how much their taxes are going to be. It's set by something called regulation. It's set down in the corner office. I just say to the public, we're not talking about a small amount of money here. These are provincial property taxes. That used to be an unheard-of thing, the province setting property taxes; that was for the municipalities. But the province raises now almost \$6 billion in property taxes. For the businesses of the province, CFIB, the Canadian Federation of Independent Business, points out that there are gross inequities.

This is three years after Mike Harris's bill, and here we find that in Brockville, a business assessed at the same as a business in Parry Sound—identical businesses—is paying almost \$23,000 and in Parry Sound they're paying less than \$5,000.

So that's the first issue on the property tax bill. When we questioned the minister on this in the Legislature the day the bill was introduced, he said, "Well, these things take time to fix." Let me just say to all of us, there is nothing in this bill that will fix the Brockville problem—nothing. I could understand if he said, "The bill's going to take eight or nine years to fix it." At least we could understand how this is going to be fixed. But there's nothing in the bill that does that.

Business people are busy. They are busy running businesses. That is understandable and is as it should be. I don't think many of them appreciate that a majority of their property taxes are not going to the municipality but going to Mike Harris because he wanted to have control of education. As I say, there's nothing in the bill that fixes the Brockville problem.

The second really crucial part of this bill that all of us will come to know over the next few weeks is that in many, many municipalities in this province, if for some reason that municipality is faced with the need to raise property taxes in any form—and let's recognize that Mike Harris has downloaded on to municipalities responsibilities about which Dave Crombie said, "Don't do it." Mike Harris appointed Dave Crombie to head up something called the Who Does What committee and Mike Harris hand-picked the other 14 people on that committee. Their job was to tell Mike Harris what things should be put on property taxes and what things should be handled by the province. That committee met for months, with recommendations, and when they found out that Mike Harris planned to put social assistance and social housing on property taxes, the group met and

unanimously said, "Don't do it." In fact, the language they used there is, "The panel strongly opposes such a move. We are unanimous in the view that it shouldn't be done." Remember, these were all hand-picked by Mike Harris.

So I say to the people of Ontario, first, municipalities now have responsibilities they didn't want. AMO, the Association of Municipalities of Ontario, in commenting on this very bill, say that's their major concern. Harris has downloaded. By the way, I would add that the Provincial Auditor today pointed out the downfalls of downloading. He said that the province has put land ambulances now on property taxes, and he's saying that the seamless system of ambulances is in serious jeopardy because it's a municipal responsibility. If there's one thing that should be—to use the jargon—seamless, it should be our health care. In any event, Mike Harris has made the decision to download on to property taxes some of the most sensitive services. This bill forces at least half of the municipalities in Ontario—if they have to raise additional funds to pay for them, it has to be all—100%—on single-family residential. This is a new part of the bill.

We said, "Where is it in the bill?" In the briefing, the government said to us, "It will be done through regulation once the bill is passed." So as it often happens, it's something we won't have a chance to vote on because it will be done through regulations. But I just warn municipalities across the province that your hands are now being severely tied.

I'll just read some of the cities: Brockville is one of them; Guelph is another one; the city of London is another one; the city of North Bay is another one; the city of Peterborough is another one, and it goes on. The city of St Thomas, I might add.

Actually, I just read a few of them, but I hope the public can see, there are two pages of these municipalities. When the member for Scarborough-East, Mr Gilchrist, said that municipalities are given more options, they're not. All of these municipalities on this sheet, if they have to raise taxes for any reason—you can imagine Walkerton may very well need to raise some money to handle the problems that it faces. If it is on this list, 100% will have to come off residential property taxes. Of course, they are not going to tip their hand until this bill is passed.

But I will just say to all of us, firstly, putting on to property tax these sensitive services—social assistance, social housing—is a mistake. That's not just the Liberal caucus saying that, it's not just Dalton McGuinty saying that; it was Mike Harris's own 15 hand-picked people, headed up by David Crombie. They were unanimous in that view. Now that's done and now this bill—by the way, this isn't just one year, this is in perpetuity for these municipalities that are above what's called the provincial average. If a municipality's tax rate on its commercial is above the provincial average, if a municipality's industrial tax rate is above the provincial average, 100% of any increased taxes has to go on to single-family residence.

You can completely understand why Mike Harris is doing that. It's to force municipalities to not provide the services, force municipalities to cut the services. I say that is perhaps, in this entire bill, the most serious part of the bill.

We all understand the need to deal with taxes in our business community. We all know the need for our businesses to be competitive, although I might add there was just a major study done in Ontario that pointed out that we are the most cost-competitive jurisdiction in North America now. That includes wages, it includes taxes, it includes all the cost components. So we have a major competitive advantage on costs, and yet if a municipality needs somehow or other to acquire the funds for the services that Mike Harris has downloaded on them, any of the municipalities on these two pages have only one option and that is to put it on single-family residence.

That's exactly what many feared—our caucus certainly feared—that we now are heading into a period of enormous conflict at municipalities where the municipalities' needs, and we all know the needs for example in the housing area, and the problem for single-family residential property taxes will conflict. This bill will, without question, exacerbate that.

1940

So we're only now beginning. I might add that this bill was quietly introduced on a Thursday afternoon. There was never a ministerial statement and municipalities have only now gotten copies of the bill and are only now beginning to work with it. It's no accident that this thing is being rammed through and being debated.

We normally have a briefing on the bill. We had the briefing exactly one hour before the debate began. It is frankly insulting for a democratic place that is attempting to deal with the people's business on an orderly basis to have a major bill with these major implications, and to have a briefing and then begin the debate an hour after the briefing. I don't know whether the public really cares dramatically about that, but I will say, for anyone who cares about public policy, it's obscene to be dealing with a substantial bill in this way.

The first thing I wanted to talk about was the business property taxes for education. The second thing is, this part of the bill that will handcuff municipalities. The sad part is that Harris loaded on to them these brand new responsibilities. We've been lucky. We've been in good economic times. Canada has had good economic times. Ontario has had good economic times, in my opinion, heavily because we've benefited from the strong US economy, but we have had good times. Inevitably one faces a downturn and, in this bill, we are dooming municipalities to a decision that's almost impossible to make. Do you provide the essential services and take taxes up on single-family residential?

The next point I wanted to touch on is that there is no small business class in this bill. My colleague from Sudbury made this point: this is the eighth major tax bill we've had in three years. The senior bureaucrats in the municipalities were laughing at us. They said, "This is in-

credible." You introduced a bill to amend a previous bill before the previous bill had even been passed. This is the eighth tax bill we've been dealing with, and I think every time the government has hinted that they are coming forward with a small business class. This bill doesn't provide that. I can remember being on the Danforth when Mr Eves was retreating on one property tax bill in front of a small business community and essentially saying, "We're going to come forward with a small business class for you." I think that was the number three bill. Now, five bills later, still no small business class in here.

The point about much of this being done by regulation: I remind ourselves that this is now the fourth-largest source of tax revenue in the province of Ontario. Mike Harris now is raising more money off property taxes than everything else except income tax, corporate taxes and retail sales tax.

Mr John Gerretsen (Kingston and the Islands): That can't be right.

Mr Phillips: It is. It's almost \$6 billion. I laughed at Mr Gilchrist being critical of the municipalities. If any municipal government ever were to sit down and try to set the tax rate for their jurisdiction behind closed doors, the citizens would knock the door down. My colleague from Kingston, the hotbed of democracy, when he was the mayor of Kingston, they would never have let John close the doors and try and set the tax rate.

Mr Gerretsen: We didn't try.

Mr Phillips: You didn't try; of course you wouldn't. I say to the people of Ontario, particularly the business community—because it's for them that he's setting these rates that are widely different from jurisdiction to jurisdiction—it's all done, not through a debate here in the Legislature and not through some explanation of, "How did you arrive at this?" It's done down the hall by regulation. All of us know that on a Saturday there is something they call the Gazette that gets published, and there it is.

The next point I want to make is that I've often heard from the Conservative members in the past, "We trust the municipalities. We know they're the ones that know best. We believe the best government is the government closest to the people." I would just say to the people of Ontario, they used to say that, but all of their actions are the opposite. I've never ever seen a government that has moved to centralize things as much as this, whether it be in education—they're now 100% in control of education—whether it be the government trying to micro-manage the health care system. And here they are treating the municipalities like children.

The latest one was that we all got this directive from the Minister of Finance, acting on behalf of the Premier—"Municipalities urged to do the right thing"—as if the elected people municipally had no idea what the right thing was but Mike Harris has decided he's going to tell them what the right thing is. Now we find that the tax bills across the province, the bills sent out by the municipality to the local residents explaining how they are spending their citizens' money and how they're raising the money, will be uniform. They will clearly show

how your taxes are calculated and who's responsible for any changes in the amount of the taxes you pay.

Big Brother is now right into that, and why is that? Of course he's afraid the municipalities will point out, "Do you realize that Mike Harris is getting more than half of the business taxes?" Mike doesn't want that done. He doesn't want that information spread out. He doesn't want the municipalities saying, "We now have all of the social housing responsibility. We now have social assistance. We now have 100% of the transit." When my colleague from Scarborough East pointed out Indianapolis, I'll tell you that Indianapolis gets state help for transit. The city of Toronto gets nothing. TTC and GO get nothing, zero, from the province now.

Hon David Turnbull (Minister of Transportation): And how much does Indianapolis get from the federal government in the US?

Mr Phillips: There goes the Minister of Transportation talking. I would say to him, because he's another Toronto member there—

Hon Mr Turnbull: We get zero from the federal government—

Mr Phillips: How is it, Mr Turnbull, that you want a city of Toronto business paying \$25,000 and an identical business in Parry Sound paying \$5,000? You're going to have to explain that to the small business community, which says, "I have a Pizza Hut and there's a Pizza Hut in Parry Sound. I know we're both valued at exactly the same amount. I know what my friend with the Pizza Hut in Parry Sound pays in taxes, and I'm paying five times that for education property taxes set by Mike Harris." Mr Turnbull's going to have to explain that to the Pizza Hut.

Hon Mr Turnbull: So you want to move more over to residential.

Mr Phillips: Oh, he says I want to move it all over—no.

Hon Mr Turnbull: That's what you're saying, Gerry.

Mr Phillips: You're missing the point. Mr Turnbull is saying I want to move it over to residential. What is actually happening here is that this bill, where Mike Harris has downloaded all TTC costs, all GO costs, all social housing, social assistance—by the way, against the will of his own commission, Mr Crombie—and now guess what? All that's loaded on and now the city of Toronto, wrestling with these problems, has one option. It all has to go on to the single family, which by the way is a large part of Mr Turnbull's riding and it will be interesting to watch that.

Hon Mr Turnbull: You have selective amnesia, Gerry.

Mr Phillips: Mr Turnbull says one has amnesia. I'm just quoting the CFIB. This isn't me; this is the Canadian Federation of Independent Business, the group that does good work on behalf of businesses across the province.

1950

Hon Mr Turnbull: How much money do we get from the feds for roads and transit, Gerry?

Mr Phillips: Mr Turnbull's yelling. But they say to us, "Why those numbers in the city of Toronto?" I don't

think Mr Turnbull has an explanation for that, so it's easier to yell than to make the explanation.

I also want to point out that the amount of regulation in this bill has to be disturbing to any person who cares about democracy.

Interjections.

Mr Phillips: Mr Turnbull is obviously having a very bad day today. I think you may have to bring him under control.

I want to talk a little about some of the details of the bill. There is in the bill a 5% cap on businesses and that cap will mean that no business will pay more than a 5% increase as a result of assessment-related changes. I would say that in some municipalities businesses will pay more than a 5% increase because this is a cap that's applicable only to the changes as a result of this bill.

The second part—and this is the one I want to keep reminding us of—says that municipalities would not be permitted to apply levy increases on the commercial, industrial and multi-residential if the tax ratios for these classes exceed the prescribed thresholds, that if the proposed legislation is passed, the threshold ratios would be set at the provincial average.

Again, I want to emphasize, this is a new part of the bill. This is the part where municipalities across the province are going to have to get these sheets and look at what the province is now doing to them. As I say, there are two pages of these. Actually, some of them run to two and a half, three pages. In those municipalities 100% of any increased money they need as a result of, for example, the downloading, the putting of transit on to the property tax, is going to have to be funded off the residential property taxes.

As I say, it's no accident that the government is attempting to ram this bill through. It's no accident that we're debating it in the evening. It's no accident that it was introduced quietly last Thursday and it's no accident that it happened right after the municipal election. It's no accident that it will be, I think, a matter of some days before the municipalities have an opportunity to get into the detail and find out the problems in the bill.

I wanted to return to the downloading issue again because this was the major point that AMO made. AMO is the Association of Municipalities of Ontario, a very well-regarded group—good research. They are the body that represents our municipalities. They point out that AMO agrees with the Ontario Chamber of Commerce and the Canadian Federation of Independent Business that the burden of putting social and health services on to residential and commercial property taxes is causing a problem. They point out that this is going to cause significant problems for municipalities. That, so far, is their major concern about this bill.

The reason I stress this is, first, the decision to download. Mike Harris always says it was the result of Dave Crombie's *Who Does What*. Not at all. As I said earlier in my remarks, he said, "Don't do it. It is a mistake to be downloading these services on to property tax." Nonetheless, the government went rushing ahead. The reason

they went ahead was because they wanted to get their hands on education. They wanted to be in complete control of education. We saw today the outcome of that. They strangle the school boards with no funding, create a crisis in negotiations and then bring down the hammer to end the situation—and that was a predictable problem. That was one of the key reasons why they put social assistance and social housing on to property taxes.

But now our municipal partners—not the children but our municipal partners—are pointing out the problems that's going to create. Furthermore, the municipal partners are now beginning to realize that for many of them the handcuffs are now being put on by Mike Harris and they are going to have only one option, and that is that they're going to have to fund these social programs off single-family residential. The option of the businesses and the industry helping to provide the services is not going to be available to them, by law, because this bill, once passed, would prohibit them from putting the taxes up if their tax ratio in commercial is above the provincial average—and by the way, as I said earlier, this issue will continue; this continues every year.

Within the bill, there are several other measures that I guess over time as we debate the bill will become clear.

There are some things in the bill that are essential, that are important, that we would be supportive of. There is a provision to make sure that tenants in businesses benefit from the cap on a continuing basis. I remember very well that the first day they introduced the first property tax bill, we in our caucus said, "This is going to create problems for tenants of commercial properties." We were kind of dismissed as, "That's just more opposition rhetoric." We're still trying to deal with it, and this bill has a provision that I hope will ensure that the caps continue for tenants in business properties.

There is something called a graduated tax rate. Some municipalities in Ontario took advantage of that, and we're happy to see that it will continue.

There is a provision for ensuring that low-income seniors and persons with disabilities, either on a deferred tax basis or on a tax rebate basis, are not faced with unacceptable property tax increases as a result of this change.

There also are some provisions for charitable organizations.

My colleague the energy critic will be more knowledgeable than I about the water power generating station provisions, but I'm led to believe that's a worthwhile provision for helping new projects come on stream.

People of the faith community will appreciate this for the clerics' residences. There's a provision in there to provide some tax assistance for them, which appears to be a good provision.

I wanted to go over those other changes to say that there are some things within the bill, of course, that are helpful and that have our support.

I go back to our fundamental issues. Firstly, at a time when municipalities are really beginning to feel the full impact of the downloading—by the way, there was some

thing called transition funding and there was community reinvestment funding. The government of Ontario, Mike Harris, used all sorts of things to get through the last election, to buy peace through the last election. But many of those programs are now gone. So municipalities are now facing the cold, hard facts of beginning to deal with the real impact of Mike Harris's downloading

At the very time that's happening with these councils, the handcuffs are coming on. I will be interested to hear from the municipalities over the next several weeks, maybe several months, as they all begin to wrestle with their 2001 budgets. I will be very interested to hear from those municipalities, as I say, two and a half pages of them, that have only one option now, once this bill is passed, which is that all of it has to go on to the single-family residential, at the same time they're wrestling with these serious issues of downloading. I will be interested to hear from the professionals who deal with this bill.

I might add that the clerks and treasurers association in the province has at every step of the way been very professional in dealing with all of these tax bills and has given us in the Legislature good advice. They've pointed out—because they have the prime responsibility for making this happen—that this is not the way things should be run. This bill should have been introduced months ago. It was deliberately delayed until after the election. I will be interested to hear from them on the concerns they will have in making this bill actually work.

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The Minister of Finance, when asked the question, "Where is the solution for the Brockville businesses?" said, "It takes time." I'll be interested in his explanation of where the solution is for Brockville businesses.

We will continue to remind the public of Ontario that Mike Harris is now raising \$6 billion from property taxes. It's now the fourth-largest source of revenue for the province of Ontario, way above gas taxes and things like that, yet if you were to ask municipalities around the province, "How does he set that tax rate for businesses in your community?" none of them would know, because there is no debate on it; it's just done through regulation.

I'm sorry the government has been unwilling or unable to develop a program here for small business. I had been led to believe they were going to come forward with a small business class in the legislation that would help our small businesses in Ontario. I don't see that.

As I said earlier, some provisions of the bill are helpful and are certainly worthy of support. I would hope there would be an opportunity for this bill to go to a legislative committee, the finance and economic committee, so we can hear from the municipalities that are going to be dramatically impacted by this.

The Association of Municipalities of Ontario has given us its first assessment of the bill. What they said here was, "Our experience"—with previous bills—"was that there was far too much to do and too little time to do it in." They say that complex legislation was implemented through a multitude of regulations. "As a result, tax bills were significantly delayed.... AMO seeks assur-

ances ... that today's bill and the regulations and technology ... will not result in tax billing delays." AMO went on to point out that their major concern is that the current income redistribution programs are going to remain on the property tax. Achieving this goal shifts more burden to the residential taxpayer.

They raised exactly the same issue that I'm talking about, which is that for all of those municipalities that I talked about earlier, the only choice for Brantford and Brockville, and dare I say Cornwall and Guelph, the region of Halton, Hamilton-Wentworth, Kingston, London, Leeds-Grenville, North Bay, Orillia, Owen Sound, the county of Oxford, the city of Peterborough, the city of St Thomas, the city of Toronto, the city of Thunder Bay—all of those will, under this legislation, have only one option available to them after the legislation is passed: In order to fund increased costs as a result of downloading, it all has to come on the residential property tax.

In my opinion, this is a deliberate move. I think putting those income redistribution programs on property tax was a mistake, but this is a way that Mike Harris can keep turning the screws on, in many respects, the most vulnerable in our society.

I would add, on social housing, that the government's own estimates say that the province of Ontario should be seeing built every year at least 15,000 units of rental accommodation, and a significant portion of that has to be available for people of modest means or people who require some assistance. Right now in Ontario there are fewer than 1,000 units a year being built of rental accommodation, and virtually all of that is at the upper end. So for the last four years now, we're having a shortfall in the province of Ontario of at least 14,000 housing units. All of us know this in our constituency offices, the enormous problems of housing. The problem is that now it is a municipal responsibility. In many of our larger urban areas—Hamilton, London, Toronto, Guelph, a whole variety of cities—their only option now is to put it on to the single-family residential property tax.

This bill is being introduced and debated, I think, at the speed that the government wants to ram this thing through. I hope there's an opportunity for it to go to a legislative committee. There are some serious problems within the bill. There are, of course, some elements of the bill that are very supportable, and we are pleased with that. But the big concerns will be residential properties facing an enormous burden in many municipalities. We don't see the plan yet for dealing with the very solid, strong inequities across this province in education, business and property taxes.

Finally—and this is the last point I would like to make and then turn it over to my colleagues—we've argued now for three years that we've got to get an orderly process for dealing with property taxes, and we can't have one bill after another, each bill fixing a previous bill. It's ad hockery.

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): Only eight times.

Mr Phillips: It's only eight times, as my colleague from Cornwall said, in three years—unbelievable.

I would just like to once again refer to—if it wasn't so serious it would be funny—Mr Gilchrist from Scarborough ranting about municipalities the very day that the Provincial Auditor brought out this indictment of Premier Harris's ability to manage the finances of the province and said, "Listen, it's not getting better; it's getting worse. These are the two worst reports I've written in my history as the Provincial Auditor." Municipalities are not going to listen to any lecture from Steve Gilchrist, believe me. They're going to look at the details of this bill. They've got some serious questions.

Mrs Sandra Pupatello (Windsor West): I did want to speak to this bill because it is important to the residents of Windsor. I recall—I don't quite know which property tax bill it was. It was one of the eight that have come forward in the last three years. Every time we have a bill dropped here dealing with property taxes, I call home to Windsor and find out what the effects are going to be on my community.

I remember one summer or spring, when we were dealing with one of the eight property tax bills, the people who were working at city hall were just shaking their heads, thinking how are they were going to manage this in terms of the time frame to get the tax bills out on time, because municipalities, like most people, have to pay bills in a timely fashion. I recall issues coming forward in the House when there were cash flow issues for municipalities right across Ontario when they could not get their tax bills out on time because the government decided on a whim that they were going to make more changes that would then impact the kind of job that the clerks and treasurers across Ontario could do working at their municipal level.

I remember going door to door along Erie Street, Via Italia, in my riding. I went along to the small businesses one day with one question. I said, "You've got to tell me how much lower your property tax is going, because Mike Harris says your property tax is going down." I went door to door. Do you know, not one along Erie Street could tell me that their property tax was going down. In fact, I thought I hit a nerve, because they were livid to see the kinds of increases that were headed their way. This, from a government that supposedly was to be friendly to business.

Off I went to Old Sandwich Towne, the oldest, most continuously populated town in Ontario. That's Old Sandwich Towne, now part of the city of Windsor. They couldn't find one business along Sandwich Towne, on Sandwich Street and the main street going through the town, that was going to have its property taxes dropped.

When I was at the Italian bakery on Erie Street, I said to the owner there, "Frank, I want you to count for me how many panini you would have to sell to pay for the increase in your property tax bill." He came up with a figure, some hundreds of thousands more panini sold over last year's sales just to account for the property tax increase. We laughed about it, but we laughed instead of

crying, because they knew that it was just completely untenable. Their business cycle is such that they know roughly what their sales are going to be year to year. They need to know roughly, in a stable fashion, what their property tax is going to be as an ongoing cost to their business.

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Now we see an eighth property tax bill come into the House. What the newly elected members of council are going to learn—Joyce Zuk and Charlie Hotham, both new ward 1 city councillors—they are going to see what all the other eight who have been there before know full well dealing with the provincial government property tax bills: how hamstrung they are to deal with the real issues that city residents are facing now.

Having just been through municipal elections right across Ontario, we know what the issues are. If you live in the riding of Windsor West, Huron Church Road came up time and time again at the doors for both Charlie Hotham and Joyce Zuk, among other councillors. They said, "We want you to do something about an international corridor that supports international trade that makes money for the nation, let alone the province of Ontario."

Where is the support for this road that used to be there by the province of Ontario and is gone? All of the upgrades, all of the support for Huron Church Road now borne by whom? The residents of the city of Windsor only. But thanks to this bill, any increases that would have to be borne by the city to support the kind of infrastructure that we need in my city is going to be by the single-family homeowners only. Why is that? Because the bill says clearly that any of the other tax areas, whether you're commercial-industrial, multi-residential, if your average tax rate for those areas of tax are above the provincial average, you can't touch them. Therefore, any increases are going to be borne by the homeowners, that is the residents of south Windsor, the residents of the core, people who live on Langlois, Marentette, Elsmere Avenue. All of those homeowners will be facing the brunt of an increase. I say to my city councillors in Windsor—and Joyce Zuk and Charlie Hotham are excellent candidates who will do a tremendous job for the residents—that they will be grappling with issues.

My finance critic, Gerry Phillips, brought in very clearly tonight in the House the issue of downloading, that this trouble comes back to haunt the government time and time again because they decided, through their Who Does What panel, to download all the responsibility for an item as huge and as important and relevant to a city like mine as social housing, where we are second only to the greater Toronto area in terms of waiting lists for people to get into affordable housing, where the industry is not building affordable housing, for a whole bunch of reasons the government fails to address, although they continue to say, like they did at the UDI breakfast about a month ago, "It's the developers problem, it's their issue. They're the ones not building." But that's another issue. We have significant issues around

social housing, all of which will be borne by the resident taxpayers of the city of Windsor.

When we look at ambulance issues right across Ontario, even today in the House, Dalton McGuinty and Lyn McLeod talked about our ambulance issues being downloaded to cities and towns across Ontario, where we know that two years ago 50% of the municipalities were not meeting provincial standards then in terms of response time for having an ambulance at the door in a timely fashion, and that now, in only the last six months, that number has risen to 60% of municipalities not meeting the provincial standard. But, no, our health minister is going to go full steam ahead with the downloading, not a thought to knock on the Premier's door and say, "Maybe this isn't such a good idea after all."

And the cost: when the city residents and the town residents across Ontario realize that their response times are lagging behind and it's an issue of life and death, particularly for cardiac patients, they're going to say, "We insist on a certain level." Who will pay the price for bringing the level up to an appropriate standard? It will be the resident taxpayers, not the commercial-industrial, multi-residential taxpayers. No, it will be solely borne by the single-family dwelling homeowner, the residents of south Windsor, Fountain Bleu, all the people who live along Huron line, which is on its own, supported only by the city of Windsor now, even though the Minister of Transportation himself came to Windsor to acknowledge the relevance and the significance of that Huron line corridor in tying us from the 401 right through to the Americas, and where the bulk of international trade follows, but not prepared to give support to that corridor, wholly borne by the city residents. Our city councillors will have to grapple with how to keep that road in the kind of condition that's required. It's widely acknowledged that one bridge is not sufficient in our neck of the woods—widely acknowledged.

Who is going to pay those prices except the residents in Windsor? And not just any of them, but as was clearly defined by our finance critic, Gerry Phillips, who itemized where the caps are and where they'll be forced to make increases if required. When the residents in my city of Windsor say, "Social housing is unacceptable and we've got to fix it," the fact is that they got downloaded these apartment buildings that weren't even up to provincial specifications. Who pays the price to upgrade them?

The government is famous for these announcements of making money available, just like the Minister of Health said, "Oh, we've given \$30 million for ambulances," for all of those capital costs, like buying an ambulance, when clearly everyone says that \$100 million is probably the amount required to deal with the ambulance issue. So where should the other \$70 million come from? It's going to come from taxpayers. The government is famous for talking about the one taxpayer in Ontario, that there's only one taxpayer.

I say this to the government: today, after finding another property tax bill, there's only one taxpayer. While

you chose to show some kind of support for businesses, the reality is that those who own the businesses live in South Windsor. They live on Elsmere Avenue and Marentette Avenue, on Langlois and Marion. That's where they live, and they will be suffering the brunt of any kind of additional costs now borne by my city of Windsor.

So I raise the red flag for the residents of Windsor West. We'll talk about it first now, but I'll meet them on the streets later when they realize what's happening and the kinds of decisions that are now being borne by the city council of Windsor.

Mr Mario Sergio (York West): I'm delighted to have a few minutes and add to the debate on this very important bill, Bill 140. But indeed it's the eighth bill, as has been mentioned by my colleagues, dealing with reform of the system of taxation here in Ontario.

The bill, as it is written, as it is presented, does a number of things, but I will specifically mention two. Included in the first one, what does the bill do? It does, for example, give authority to the local municipality to set tax rates and tax ratios for a number of property classes; to set interim tax levies; to phase in taxes—in a number of ways, as a matter of fact; for increases and decreases as well; tax increases or deferrals for low-income seniors or disabled people; and to bill different classes at different times; to rebate for charities; tax reductions for commercial and industrial properties; rebate on vacant lands—industrial and commercial.

I have to say that some of the amendments which they have included in this particular bill are already in the Municipal Act and in the tax act. They are on the books various municipalities have at hand to do things accordingly. But the minister, the Premier, the government have decided to redo them again and include them in this particular bill.

It also speaks of exemptions for improvements to residences to accommodate seniors and the disabled. I allow this particular part. There are exemptions, for example, for private convention centres. I'm sorry to say that there is nothing in here that says exemption for those who can't afford to pay taxes; seniors, for example, or very low-income people. If there is an exemption here, if the minister, the government, the Premier saw fit to exempt very expensive, very luxurious—and yes they have a right to be there because they do provide a huge service to the economy, but if the government saw fit to exempt those huge places, private convention centres, from paying education taxes, I have to say the government could have seen fit to exempt seniors, at least at a certain income level, from paying education taxes.

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What else does it do as it is written? The authority to make changes, to reduce, to refund, to cancel on properties that cause an undue burden—burdensome. Do we know of any class that has a serious burden? I do. I have a lot of seniors in my community who are severely burdened by this creeping up of taxes, always on the least advantaged in our community. Oh, yes, that would be

one class that I'm sure would welcome a relief, even if it is strictly on the education portion of their property where they barely manage to keep on living.

Those are parts of one change they have made, but there is a huge problem with that. While the Premier, the minister, have given that wonderful flexibility and options to the various municipalities, they carry a very heavy cost. It is not as simple as saying to the local municipality, "You want to reduce them. You want to refund them. You don't want to charge them. You want to cancel. We give that option to you." No one knows better than the government that there is one taxpayer and that the local municipalities have one source of income, that is, property taxes.

The other point is that the Premier very wisely—I don't know if it's wise or not; we'll let the people judge—has said to the municipalities, "This is what we give you to work with, but at the same time we are going to interfere with those options we are giving you. We are retaining the rights to set the rates, the ratio, and the amounts we can collect for tax purposes." Do you know why? There is a heck of a good reason why Mr Harris and the government have decided behind closed doors to do exactly that: to starve our education system—exactly that. They have taken away the right, without consulting teachers, parents, boards, unions or anybody else. That is why they have retained it, and I have to say the education portion is higher than 50%. It is.

I'm a great defender of small business enterprises. I think we all like to say, "Yes, they create 80% of the jobs" and stuff like that, so who can speak against the small business entrepreneur? He has imposed a 5% cap, but at the same time he told the local municipalities, "If you don't like imposing a 5% tax increase on industrial-commercial businesses, you can go back and charge it at 2.5%." Well, isn't that nice, that the Premier, and the minister of course, have said to the local municipalities, "This is what you can do. The rest is up to you. If you need more money, go somewhere else and collect it"? You know what? There is only one place, one way to go and collect more money, and that is from the homeowners.

I was totally taken aback by the comments of the member for Scarborough East when he started making his comments and said, "In this particular bill"—which, by the way, is made up of 73 pages. With all due respect to the members, especially of the government, this bill addresses assessment, and the member for Scarborough East in his first comments said—what did he say? Nothing, nothing related to assessment in this bill. I have read all 73 pages, and I know what I'm saying is going to be recorded, is going to be in the Hansard, and these are the comments.

"This bill here will create a standard province-wide." I beg to differ. "The bill will create stability as we move to a province-wide assessment"—oh, yes, there is the word "assessment"—"to correct 60 years of antiquity."

I have to say that this bill, as I mentioned, does a lot of things, but it does not do the most important thing and

bring some equity to the 60-year-old antiquated tax system. The changes that they keep bringing to this House do nothing but perpetuate the inequity that exists in the system as it is today. Why would you say the government is doing that? Because it's convenient. Because it's politically expedient. That is why. Otherwise, if they really wanted to take the bull by the horns, they would have done exactly what the member for Scarborough East was alluding to when he said businesses are leaving the city of Toronto. Well, hallelujah. I wonder why, when he himself said the commercial tax rates, for example, in Toronto are 5.8%, versus the competition in the outer region, the 905 region, of 2.3%. The industrial, vice versa, in Toronto is 4.27% and in the 905 it's 1.2%.

Isn't that enough of a reason for my friend from Scarborough East, for the minister, for the Premier and anybody else who says why they are moving out from the city of Toronto to the outer region, when we have this discrepancy? Isn't that why we don't have equity within the system, because we have this huge discrepancy? What does this bill do? Absolutely nothing to bring this difference closer.

Just last week I said in this House that a business in my area moving from a 46,000 square foot—just by moving to the north side of Steeles is saving some \$46,000 a year in assessment. That's a lot of money for a small business. That's a lot of money. I have to say that we'll be watching very closely when long leases which are tying down so many small businesses in Toronto come up for renewal. They will be moving out. It's not us on the other side of the House; it is the independent organizations when they say that if equality is not brought within the city of Toronto and the other municipalities, we will see a huge number of businesses leaving Toronto, to the tune in the next 10 years of some 55,000 people leaving the core of the city of Toronto. Is the government aware of that? Of course they are. So why don't they do something about it? Again, it is convenient to do it the way they are doing it.

I heard bashing of the council of the city of Toronto—big spenders, it's their fault. If we are so concerned with the city of Toronto and the way they are running their businesses, why then are we continuing to download or unload more responsibilities on this particular government? We have seen recently the government of Ontario saying, "Look, we are totally out of the housing business, so here are another 84,000 units. You take it over, you manage them, you maintain them and you administer them." Isn't that wonderful? Who is going to pay for that? The homeowners, because that is the only place where the government can go and get more money.

In conclusion, let me say that with this bill, not too many people are going to have an easier life in Toronto here; not too many homeowners, not too many seniors. Their lives are not going to be any better. I think this is a question that the minister, the Premier and the government should be asking themselves. The changes that we are proposing, are they going to make it easier? Are they going to be living better? I have to say no. Until the gov-

ernment sees the light and makes the necessary changes, we will continue to have an unfair, unjust and inequitable system.

2030

The Deputy Speaker (Mr Michael A. Brown): Questions and comments?

Mr Gilchrist: I hardly know where to start. The last member to speak, the member from York West, clearly must have forgotten everything he learned in Toronto city council. The city opened more public housing units in Metro Toronto than the province ever owned, so if it's not a municipal responsibility, what were you doing spending tens of millions of dollars building housing units, if you have no competence to do that? Small wonder, from what we see evidenced in here.

And Mr Phillips, the finance critic who doesn't even understand the difference between tax rates and tax ratios. Let me make something very clear, Mr Phillips, because you took the preponderance of your time to suggest there was something nefarious about the fact that the province sets the business education tax rates. You said that if a municipality's tax rate is above the provincial average, they could raise taxes. The correct provision of the bill, I would draw to your attention, is that the municipality's tax ratio—that means where they are relative to the single-family taxes. Mr Phillips, you know or you should know, if you're doing your job, that every one of those ratios is exactly the ratio the school board left them at the end of 1997 or they are the municipalities that are benefiting from our half-billion-dollar reduction. So you ask, where were these set, Mr Phillips? You, as the head of the Scarborough Board of Education, set those taxes. If you want to keep drawing attention to the fact that that's why the province had to act to stop these inconsistencies, all 25 municipalities in that chart—in every case—the business tax today is the business tax that we inherited from that municipality, from that school board, at the end of 1997.

Those that are above the provincial average—that you didn't mention—are benefiting from a half-billion-dollar reduction. If this is the quality of criticism, heaven help us. Small wonder we're going to support this bill wholeheartedly.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I'm pleased to enter the fray here as a former mayor of a municipality that, along with other municipalities in the Hamilton-Wentworth area, begged this government not to inflict the previous CVA changes along with the downloading and argued that it would be difficult, if not impossible, to assign accountability. That was exactly why it was proceeded with, because the government knew it would be too darn confusing.

My particular concern in Flamborough was the impact of CVA, specifically on the business community. We had wild fluctuations, in large part because the city of Hamilton had failed to keep pace with the need to do assessments there. The 10-5-5 tool was brought in, which was helpful at the time. The only difficulty with it was

that while it helped some businesses that surely would have been in trouble without it, it treated very, very unfairly many of those businesses that were for so many years overpaying taxes. The member from Hamilton East certainly can attest to that. While some businesses were seeing a 200%, 300% or 400% increase, others that should have had a lot of money coming back weren't.

We argued at the time that the 10-5-5 tool should continue in some respects, and I'm pleased to see that's contained in the bill, but that there needed to be other tools in place to make sure that those businesses that had been overpaying for so many years could in fact recapture and recoup that overpayment. Unfortunately, this bill doesn't address that issue. That is unfortunate because part of the bill is excellent, but it falls short once again in the very area that was drawn to the government's attention.

Mr Christopherson: In commenting on the remarks of my colleagues from the official opposition, let me say I don't have too much quarrel with their criticisms of the government bill. I think they're well taken. I believe every one of them made reference to the fact that if it's necessary to raise the taxes locally in some modest way—and I'll get into the reasons why that might be when I take the floor—as decided by the local elected representatives on the city council, this government has now said that if you are commercial, industrial or multi-residential—meaning apartments, you won't be subject to those tax increases. Only families, and this is a government that says it cares about families, or individuals who own property in the municipality can face the increase.

I don't know what you're thinking over there, but if you believe for one second that people who own their own homes in any of our communities are going to stand back and have increases, if there are any, increases made necessary by the programs and responsibilities you downloaded to municipalities, are going to be the only ones to pay the increase, I've got to believe you've got one big shock coming.

Where is the reasonableness? You can provide incentives, but to pass a law that says if there are tax increases in the city of Hamilton, only individual property owners and families will pay that increase is nuts.

Mr Hastings: I guess we have to go back to root source, to root and branch again, as I was saying in my original comments a few minutes ago in tonight's debate.

If only previous governments had acted, even back to the Davis administration, you wouldn't have the accumulated impact of the stuff we've had to go through in the last number of years. You folks should have done some of that when you were here from 1985 to 1990, and so should the NDP. They started but they were faint of heart and they moved away from it.

You can criticize us all you want over bringing in eight or nine bills, but at least we've worked our way through it. You'd have fewer bills. I know it's nice to sit there and for the member for Sudbury to say, "You shouldn't have had any bills," because probably their position still is the preservation of the old status quo, where if you looked at your assessment updates for the

old city of Toronto, one of the major assessment sources of property wealth in this province, they hadn't had an update since 1940.

Interjection: Shame.

Mr Hastings: Shame, yes. So why didn't they act? Yet the member for Sudbury thinks it's a joke, as usual.

The other point that needs to be made about this whole point: how can any municipal councillor of any municipal council stand up and say to his or her taxpayers—when you already have high assessment categories in the commercial, industrial and multi-residential, and many of your urban areas but particularly in Toronto—we're going to have to increase taxes? Where's the imagination? Where is the management capability and the political leadership we are expecting from the new city council in Toronto?

Interjections.

Mr Phillips: I appreciate the comments from my colleagues. I'll use a little bit of the histrionics of the member for Scarborough East, because he's sort of pointing and yelling. Perhaps you won't mind my doing a little bit of that, Mr Speaker, because I object to the pointing. I remember when the member for Scarborough East said, "School boards are mismanaging things and when we take over it's going to be different." Then he goes on to say that three years later they're still charging the same tax rates as the school boards did.

That's your problem. You are charging businesses at a rate that in Brockville is four and a half times the rate it is in Parry Sound. So I say to the member for Scarborough East, you are mistreating the businesses in Brockville. You are mismanaging things in Scarborough East. I would just say to the public that I'm using Mr Gilchrist's style. Furthermore, Mr Gilchrist, I would say to you that there's no justification for the Minister of Finance charging one quarter the taxes that the poor Mr Runciman's businesses are charged in Brockville.

Where's the justice in that? You say it was the school boards. Well, Mike Harris was on the school board 20 years ago; it's probably Mike Harris' fault. You blame me. I was on the school board a long while ago—20 years. I know you like to blame people, but if you're going to blame people, Mr Gilchrist, blame Mike Harris. He was on the school board in North Bay. He is to blame for the North Bay problem. You should know better, Mr Gilchrist—I'm using your same style. You should know better than to—poor Mr Runciman, having to justify Mike Harris charging his businesses four and a half times the rate that Ernie Eves's businesses are paying in Parry Sound. Where's the justification in that, Mr Gilchrist? Surely you can get down and talk to Mr Runciman and solve this problem. It's a gross injustice for the businesses of Brockville, and you're to blame, Mr Gilchrist.

2040

Interjections.

The Deputy Speaker: Order. Further debate? The member for Hamilton West.

Mr Christopherson: Gerry, I've got to tell you, that works. You've got to do a lot more of that. That works really well: shut them right up; you got your point across.

Mr Gilchrist: You don't have a monopoly on it, Dave.

Mr Christopherson: That's right; I don't have a monopoly on it. That was really good. I was very impressed. He went right to the second too. That was excellent. Of course, let's be fair: he had really good material to work with. This bill is a great piece of material to have to work from.

I'm going to move to a number of specifics, so many different things. First of all, I also want to underscore the fact that this is indeed their eighth bill, and anyone who wants to go through the Hansards, as I've done, and take a look at where we've been on these taxation issues, those are just some of the Hansards of some of the bills in an attempt to try to find some kind of system that works. Obviously, trial and error was the method you tried previously.

I wouldn't be the least bit surprised—of course, it depends on whether or not we get any public hearings on this bill—that there will be a lot of changes this time around. For instance, as I mentioned in my two-minute response—I see the former Minister of Municipal Affairs shaking his head, saying no. We'll see. You may be correct. You certainly have an inside track on this ministry and would understand where you think the government is and where they might be at the end of this debate. But I would remind you that part of the democratic equation is supposed to include listening to people, listening to municipalities. So before you just unilaterally declare that there won't need to be any changes, you might just want to reserve that small little possibility that somebody else besides you and your cabinet might have a thought on this that could be relevant.

One of the areas is, as I mentioned when I was responding to the leadoff debate of the official opposition, I think you're going to have a tough time having the clauses that require all tax increases, if they're necessary, to be passed on only to residential property owners, individuals or families. That's going to be tough. That's really going to be tough, because the fact of the matter is that you've got an awful lot of municipalities that are hurting. The downloading is mentioned by most of us for good reason.

In our community, the region of Hamilton-Wentworth, now to be the new city of Hamilton, we got stiffed for over \$40 million. The member again laughs, but it wasn't so funny to the predecessor to Mr McMeekin, because that predecessor voted against your bill that said this is revenue-neutral. One would ask the question, why did Mr Skarica do that? Because it wasn't revenue-neutral. He knew that the numbers didn't hold. I can remember—and you will see it now from this perspective, I say to the former mayor of Flamborough, now in the House across the way from me—that one of the first things this government did, when those of us from Hamilton and the region presented the arguments, was to attack the numbers. They always attack the source. It's always attack, attack, attack. The former minister is nodding his head, because that's what they do. In this case—

Interjection.

Mr Christopherson: Don't get ahead of my story, Ted.

In this case they said that our numbers were no good, that the reason we came up with this \$40-million-plus figure was because we had in Hamilton fiddled with the numbers and that's why we had this argument to make.

What's interesting about this story is that the senior bureaucrat, the senior civil servant in the region, was hired by none other than the member for Scarborough East, although I know he doesn't have a lot of input; I know how the process works. Nonetheless, you were the minister when that same individual was hired to be the Deputy Minister of Municipal Affairs, and to the best of my knowledge he's still there.

Mr Gilchrist: That's not true.

Mr Christopherson: What's not true?

Interjections.

Mr Christopherson: Well, you were the minister when he was appointed.

Interjections.

The Deputy Speaker: Order. The speaker should direct his comments through me.

Mr Christopherson: Thank you, Speaker. I shall. I stand corrected. It doesn't change much, but I stand corrected. It was the predecessor to, I guess, a couple of ministers. It was Mr Leach. Nonetheless, the fact of the matter is that when you accused our community of fudging the numbers, the very person who oversaw the development, creation and production of those numbers was someone that this government felt was a high enough calibre individual—which we agree with, by the way—that you hired him to be your Deputy Minister of Municipal Affairs.

The reason I raise that, Speaker, is not to get into a duet with the former minister, as you rightly point out we should not do, but to point out that this attack, attack, attack is not based on an argument that overwhelms or supersedes or knocks out another argument; it's just their modus operandi. As soon as someone brings forward anything—they don't even have to attack, just bring something forward—that this government doesn't like, wham, they attack them. I think that example is very illustrious for us in terms of being able to point out—

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): Illustrious?

Mr Christopherson: I thought as soon as I said it that it wasn't going to work.

Interjection: Illustrative?

Mr Christopherson: Illustrative, perhaps? Thank you, Bob. Have you ever had that happen? You get it out there and you know that doesn't work.

It is very illustrative of the fact that their attack does not mean they are correct; it just means that they are attacking. The reality is that the \$40-million shortfall is real, and we said to you at the time that that was going to impact on our municipality's ability to provide the services that used to be there, never mind the ones that you've added on top of those existing services. Forty million dollars may not seem like a lot to some of you,

but that's a lot of money at a time when every dollar matters.

I want to point out, because I saw a couple of members sort of roll their eyes at the prospect that a municipality might raise taxes, as if only monsters or fools would do that—

Mr Gilchrist: Hear, hear.

Mr Christopherson: As his parting shot, the former minister says, "Hear, hear." You see? That's the point.

I want to use the board of education as an example. I've used this before and I think it's a good example. When you changed our law, the NDP law that said that junior kindergarten was mandatory, the only way our local school board could continue to provide the program was to bring in a modest property tax increase. That wouldn't be this municipal election; it would be the one preceding. Every one of those trustees who supported that modest increase, because they wanted to keep junior kindergarten, was re-elected.

2050

First of all, I think it speaks well for the system that there be flexibility, the ability for local school boards to gauge what the need is in the local community and have at least some say, some ability to raise revenue to put it towards priorities that Hamilton, Toronto, Windsor or Sudbury may decide are unique to them and worthy of all the citizens putting in a couple more dollars. The notion that there may be municipalities out there that would have to bring in a modest increase in property taxes to continue to provide the quality of life that the people in that community want should not be seen as some kind of deviation from normal thought. That's what it's quickly becoming in this province.

I say that's a shame. It's a shame because when we look at what is happening with the environment—Walkerton's a prime example—we take a look at what's happening in our health care system, we take a look at what the auditor had to point out today, when we take a look at the price of your massive tax cut ideology, it doesn't hold up. You can do it—I'll move on to the specifics in a moment—you can lower taxes. This government always makes it sound like that's somehow something innovative, something special that only they can do, because they have the political will, and all this nonsense. The fact of the matter is that if all you wanted to do was decrease taxes, all you have to do is cut everything. That gives you zero. I'm sure there are probably some on the other side who would like that idea. That would work just fine for them. I won't name names but, trust me, they're over there. They're looking. They wouldn't have a problem with that concept at all.

The whole idea that they would try to poison-pill the process municipally so that if there are any increases, they only go on residential taxpayers—and we all understand what the political fallout from that is for councillors. It shouldn't be surprising. That's what they've done. They're trying to poison-pill the process so that there won't be increases. And yet this is the same government that said that the government closest to the people should

call as many shots as they can, that they should be trusted to make those decisions for their communities.

I said earlier today—I've said it in other speeches—that the great irony of this government is that they are without doubt the greatest social engineers Ontario has ever seen. This is just another example. It plays well with the business community. Of course. Why not? It is a virtual guarantee that taxes cannot go up in the industrial, commercial and multi-residential areas of property taxation. This is not progressive. All it is going to do is one of two things.

It is going to spook enough municipal councillors because of the politics of it—even though they're not responsible, they have to follow the law—that they won't increase and they'll meet the pressures by cutting, cutting, cutting. Because you've given them so many responsibilities, the things they're cutting are going to hurt the quality of life of the people who live in Hamilton, Windsor, Sudbury and all the communities that are impacted by this. Or they will pass on the increase and, rather than commercial paying a bit, their fair share, industrial their fair share, multi-residential their fair share and then residential their fair share, all of it will go on the property owner, the family; in most cases they're families.

I want to come back to that again. How does this government, which purports to be the be-all and end-all when it comes to speaking and caring about families, bring in a tax law that discriminates against families? Because they're the only ones, if there is a property tax increase, who have to pay it.

What about seniors on fixed income? Oh yes—one of the members points—you've got a clause in there that says they're protected, but you're not providing any money for it. You don't say how it's going to be done. You just say that there has to be some relief—another edict from on high, a lightning bolt from Mount Olympus—“Thou shalt.” You leave it down there. No explanation, no dollars; just, “You will.” Why did you put it there? So that you could do exactly what you just did, which is that when I point out that it's going to hurt the most vulnerable in our communities, the workers, the middle class, you can point to this and say, “No, we care about seniors and the disabled. Look what we put in here.” It's empty, because there's no money attached and there's no formula. There's no involvement whatsoever, except a statement that there is a mandatory requirement for the municipality to consider this. That's not really helping anybody. And the thing of it is that they think they're going to con people.

Talking about the downloading, I've never accused them—not very often—of being stupid. They have thought these things through. A lot of the areas that have been downloaded on to municipalities have the greatest upward pressure on them in terms of costs in the future. Ambulance: we all, especially as the baby boomers get older, are going to use more and more of the medical system. I think one could reasonably conclude that would also involve ambulances and paramedics. Social housing:

given the policies of this government, we see from the news conference the other day that poverty rates are higher than they've ever been in the history of Ontario. They're highest in the country here and in Newfoundland.

The demand, the pressure, given your policy—we still haven't felt the full effects of all those policies. Some of them take a number of years before they really impact on a community. On top of that, and this will affect all these issues that I'm raising, if there's a recession, and I personally am one of those who believe that one of the reasons Chrétien called the election, notwithstanding his politics around Paul Martin, was because, just like David Peterson in 1989-90, I think Mr Chrétien and Mr Martin had their briefings from their economists and their Department of Finance and were told, “Look, folks, at the very best there's going to be a slowdown in the economy, a slowdown in the growth.” I grant you, the numbers are huge. Pretty close to 6% current growth will drop to somewhere around 3.5%, give or take. That's pretty big, but that's enough to spook governments because they know it affects revenue. I think they also know that there's no guarantee that's where it will rest. It could easily fall below 3%. If they ever settle the presidential election and a few other things in North America, it could go even further. That's going to put added pressure on the areas that municipalities now have the responsibility for.

Social housing; not only in terms of the pressure of more people needing assistance and help because of your policies, but the existing stock requires hundreds of millions of dollars of investment to maintain or bring it up to standards. Or, as we look out over the next five, 10, 15, 20 years, we can see that the investment required then is going to be take us into at least the hundreds of millions of dollars. Anybody who's ever been on a municipality council or dealt with any kind of investment, if you've ever had put in front of you the cost of upgrading parking ramps, whether they're above ground or below ground, it's big.

Social services: we know what happened to Ontario in the early 1990s when as a result of the free trade agreement and artificially high interest rates in Canada the recession in Canada was deeper and longer than I think in any of the other G7 countries. We were the deepest and the longest in recession. Those were artificially imposed by the Mulroney Tories and, as a result, we lost hundreds of thousands of really decent-paying jobs that went south, chasing after labour laws like the ones you're now in the process of bringing here. I guess that's your idea of job creation—get those jobs back here because Arkansas, Mississippi and maybe Mexico don't have the competitive edge on health and safety in the workplace. What a wonderful way to go about things.

2100

But we saw during that time the costs to social services. I know the campaign you ran and the games you played. We understand all that. But the reality is that when all those jobs left, for the reasons I've just outlined,

and people ran out of what was then called UI because the Mulroney and then the Chrétien government cut back on who was eligible and how much they could get under UI, they had to go on social assistance. The numbers went through the roof. And yes, we did attempt—we called it the disentanglement. You called it the Who Does What. Of course, we then nicknamed it the Who Does What to Whom.

But the fact of the matter is that we eventually couldn't get any further for two reasons. One, the ongoing recession that was still going longer than any economist was predicting, whether that's provincial or private sector—and for the backbenchers who are grinning and smirking, they should check it out. It's true. It happened. That's the way the thing unfolded, not the little fairy tale that you want to keep telling. All of the economists called it wrong. No one expected that recession to go as long as it did. As we were in negotiations, those were the stumbling blocks. Where do you start calculating from? Because if you're starting at the high point, it's an advantage to one; if you start at a lower point, it's an advantage to someone else. The date of when you picked would decide whether it was a high number or a low number.

In the midst of a recession, the worst since the 1930s, rather than do what you did—it's not that we failed or, as the member from Etobicoke North, I think, put it, that we grew faint of heart; it was, rather, that we had a heart—we said, "We can't continue with this in this current climate. As much as we think it needs to be done, there is no way to do this where our partners on the municipal side are going to feel that this has been an equal relationship and, at the end of the day, truly has revenue neutrality at its core."

So we said OK, we would leave it for the time being and come back to it. But we weren't the government next. The next government did come back to it and that's what you did to us. You rammed through that legislation that your own member from your party, who represented then Wentworth North, voted against. He stood in this House, not far from where I'm standing actually, and said—I'm paraphrasing—"I cannot and will not support the bill because it's not revenue-neutral to my community of Hamilton-Wentworth." Yet government members will still stand up and say, "Yes, it was revenue-neutral." It wasn't. At the end of the day, you owe us \$40 million just for the first year.

I personally think that a lot of the money that the transition board—another one of your great moments in Hamilton history. If all of their recommendations were implemented, we would have a very new city, but it sure wouldn't be anything like the communities we had before, and that would be a loss.

I can only hope that mayor-elect Wade and the regional councillors are able to find a balance between efficiencies and modernizing and restructuring things to the degree that there are real improvements without decimating all the public services, privatizing everything in town and firing off on to the social scrapheap literally

hundreds, if not thousands, of public sector workers, who had a major role in making Hamilton the great community that I and others are proud to brag about.

Your bill doesn't help. Mayor-elect Wade in the paper on Friday, the day after this was released, said this: "It is incumbent on us to make representations to the province to encourage them to accelerate it"—that would be the business education tax, and I'll get to that in a moment—"even more to bring it at least into line with the provincial average."

I'm not sure that mayor-elect Wade carries a political party membership, but I think it's fair to say that he is somewhere between a small-l liberal and a small-c conservative, probably more to the conservative side. That's one of the first quotes I've seen from the mayor-elect since the election, and he's already identifying that one of the first things he has to do in terms of representing our community—and don't forget, this was a candidate that was supported just about across the board by business—is he's got to come down here to Queen's Park to talk to this government about helping out.

You can't use the argument that they don't really want to do anything, just look at the track record and all the other nonsense that I've heard from that side. Mayor-elect Wade, and in fact all the candidates, ran on a platform of recognizing that fair taxes was one of the key election issues. Obviously, the unfairness that exists is something that mayor-elect Wade is going to tackle, and so he should.

Business education tax: This one really gets to us in Hamilton. Right now, if you go to school in Burlington and you go to school in Hamilton, you get pretty much the same education. The buildings are different, the personnel are different, but by and large, the education you receive in a classroom in Burlington is supposed to be the same education you receive in a classroom in Hamilton. Yet businesses in Hamilton, particularly downtown Hamilton, are paying 60% more.

Do you want to have a little discussion about competitiveness? How on earth can our small business in downtown Hamilton, in Westdale, compete when the business education tax, which you have 100% total control of because you took it, is 60% higher in Hamilton than it is in Burlington? We obviously have a few built-in advantages and disadvantages. They're just a step closer to Burlington, they've got a lot more development on their service roads, both north and south, and those are appealing. But to give them a 60% built-in advantage on the business education tax is totally indefensible. How can you defend that?

In this bill, you have what? You've accelerated by, I think the total amount is \$5 million extra to Hamilton's benefit. Great. Thank you for that. Thank you for the crumbs. We'll take it. But, again, we need about \$41 million, and that's still going to leave us above the average. That's still going to leave us at a competitive disadvantage, but at least the inequity that you have 100% control of would be taken care of.

It's interesting. This government, in the last budget, had upwards of \$5 billion to give away; \$4 billion of it

went to wealthy corporations by virtue of a 50% cut in the corporate tax rate—\$4 billion. The economy's booming. Corporations are making more money than they've ever made before and you had to give them another \$4 billion. Then along comes Chrétien, the federal Liberals, who gave the same folks another \$100 billion. No money for pharmacare, no money for a national home care program, no decent investment in health care, at least in terms of bringing us to the costs today, none of that. All tax cut, tax cut, tax cut.

2110

Why, when we expect that there's probably at least another \$3 billion, maybe more, surplus in the next budget, combined with the almost \$5 billion in the last budget—for the sake of argument, let's say that's \$7 billion over two years? Why, for a government who says—again, they say the words—they care about small business more than anybody else, why didn't you step in and in one fell swoop eliminate the discrimination against small business in downtown Hamilton? You would have helped small business. You would have been contributing to fairness, to competition; you would have been promoting the new city of Hamilton by putting it on a stronger revenue foundation; and you would have been sending a message that your downloading wasn't your last word on the subject. You could have done all of that, and you know what? Economically, you'd have done a lot more, because it's not just Hamilton that would have been affected; there are other communities.

Had you helped all those other communities and their downtowns and their small business community, you really could have probably done something that was measurable at the street level, at the economic level where money really changes hands, real money buying real things, like corner stores and a hardware store and the dry cleaners and the shoe repair and the variety store on the corner. That's where the real economy happens in a community. But when you see the number of boarded-up stores, empty storefronts in downtown Hamilton, you've got to take your share of the blame.

Yes, it's our downtown, it's our city and collectively we all have to take responsibility for that. I'm not suggesting it's someone else's fault. But you're the senior level of government. You made promises about how you cared about business, how you cared about community, and you had the money. The money was there, and you chose to turn your back on Hamilton downtown and Westdale and other communities across the province. You cannot justify that, in my mind. I asked the Minister of Finance that very question yesterday in the House and I got a non-answer answer. Surprise, surprise. You know, what would have been a surprise is to get a real answer. It's so frustrating.

Now, on top of everything else, you've decided that you're—I don't know, somehow you must think that the commercial, in particular in this case, businesses are going to thank you because they're protected from the tax increases if there have to be any. Let me tell you, the number one issue for businesses in downtown Hamilton

and in Westdale is competitive taxation. We have an element of responsibility in that, absolutely. The new council, all of them are committed to it, I hope not at the expense of the quality of life that we have in Hamilton. But they are committing themselves to making it a priority to ensure that the competitiveness issue is front and centre. But you have a role. You not only set all the laws in terms of how municipalities operate, you took 100%—there are still people who don't know this—that you took 100% control of the entire education system and you left trustees there to do your dirty work. So you've got the power, you've got the control, you had the money, you say you had the mandate, you say it was one of your priorities, and you didn't do it. Why? Please, don't tell me it's because it took 20 or 30 years to create and therefore it's going to take eight or 10 years at the very least to solve it.

To some degree you can make that argument, but not when you're running the kind of surpluses you're running now, paid for, I would remind you, on the backs of the vast majority of Hamiltonians, not the very few who benefited from you tax-cut regime but the vast majority of hard-working individuals and families in Hamilton, and there's our quality of life, our health-care system and our environmental protection—that's where we paid the price.

You owed it to our community and to other communities across the province that faced the same situation in the downtown, and it's mostly the older communities, to be there and help out. It's wrong to say that any community that doesn't meet your artificial targets of what ought to be levels of taxation—and then you stand back and cross your arms, having pushed a whole lot of services on to the municipalities. That's not right, it's not fair and it's not reasonable. Pick whatever word of measurement you want, you've all got different ones there, and it doesn't stand the test in any case.

You left us high and dry, and when somebody calls you on it you start pointing fingers, saying, "It's their fault, or their fault or their fault, but not us. Oh no, not us." Then we get pious speeches like we got from the former minister here earlier, standing up like he's the only one who understands responsibility—the arrogance that oozes out of those kinds of speeches—because when the crunch came and you had the opportunity to do something, you didn't do it. You left us high and dry.

It's not going to change. We're going to be here again next year dealing with one form of budget bill or another, and I'm going to be telling you about the same problem and I'll bet you still won't have done anything about it at that point.

I don't get it; I really don't. You'd have got so much credit for doing it. You would have had people who are not traditional Tories saying this was the right thing to do. You'd have improved the quality of life and you'd have made a major investment in our local economy. If Hamilton's local economy goes up, guess what, the provincial economy goes up. But instead you followed your usual process, and what's that? You identify ways

of giving any benefits—call them benefits like they're found gifts. You took them from our communities and from our quality of life. You cut the money out and then you gave it away to those who needed it the least.

This is a recipe for disaster, because once the economy turns, what do you think is going to happen to downtown Hamilton under the current regime you've put forward? Not very pretty. You give our communities tools, you say, but they're not tools in the sense of being a help. If anything, at best they squish the juice around in the orange, from one spot to another, but it's not really solving anything. This is not just me talking; the businesses in downtown Hamilton have made this an issue because it's legit. They're in trouble.

Another great irony: way back when, when you first started monkeying around with all these caps, had you allowed downtown Hamilton—when I use downtown Hamilton I'm probably speaking to, what, Rick, at least another dozen communities across the province that are very similar in terms of what they face—you had a real opportunity to do something where I would have even had to stand up and acknowledge, "This helps Hamilton." I will do that, you know, when it's true. I don't have any compunction about doing that whatsoever.

2120

But you haven't done it yet. If you had let the decreases in the property tax for our commercial sector in downtown Hamilton and Westdale go to the level that they were entitled to, to the actual taxation they should have been paying, that would have been a real boost for us.

In fact, I can remember articles being written and politicians of all political stripes saying: "If this goes through the way it is, yes, there are some areas that have got a problem. We've got to find ways to deal with it." But at least the downtown core, the heart and soul of every community, in the case of Hamilton would have a fighting chance to come back. Then you cut all that. You said: "No. Because we made all these other promises, the only way we can pay for those is by denying you, small business owner in downtown Hamilton, the decrease you're entitled to." Now we continue to see business bleeding away from downtown Hamilton. It still hasn't stabilized—never mind turned itself around; it hasn't stabilized.

I don't know where we are going to be at the end of this budget process with the transition board's proposed budget and all those things. I'm one of those who did not feel that every single nickel was the absolute priority in terms of the amalgamation of all our municipalities. I believe there is money to be saved through economies of scale and new efficiencies, but I've never believed that the sole purpose of the amalgamation was just to lower taxes. Nor did I believe that an artificial figure ought to be the Holy Grail of budget numbers and that, no matter what, you reach that number.

There are quality-of-life issues in Hamilton that I don't think Hamiltonians want to lose. It is the first budget, the first go-round. We've got a brand new mayor,

a brand new council. Who knows? All I know is that you had opportunity to help us, with this bill, to fulfill an obligation, to remove a discrimination and to make an economic investment where it would do some good and you didn't do it.

But you tried to earn yourself some brownie points with people who own high-rise apartment buildings and commercial properties and industrial properties by saying: "No matter what anybody does, your taxes can't go up. If there are any tax increases, it is only on the residential side of things." For the life of me, I still find it hard to believe that you think you're going to be able to pull this off. You cannot say that the way we're going to fix the ratio imbalance between the residential rate and the commercial-industrial and multi-residential rates is by imposing that only residential components will pay an increase. You can legally. I don't think you can do it morally and ethically, and I don't think you're going to be able to sell it.

The member from Scarborough-Agincourt, my counterpart in the Liberal Party, the finance critic for the Liberals, made the argument that you've brought this in during night sittings. Again, it is becoming routine. We talked about this before. This bill was just introduced last week. Here we are debating it already. This is very complex stuff. There are a lot of accountants and tax experts who are probably working away now trying to get caught up on exactly what the implications are, because tax bills are complex. Here we are debating it at 9:30 at night on a Tuesday in the middle of a federal election. What a coincidence. You're hoping people don't find out. You're certainly not going to give them enough time.

Once again, it will be interesting to see if there are any public hearings at all. Are you really going to give anybody an opportunity to have something to say? I saw the Minister of Labour say in the paper the other day that he was so upset with the federal Liberals because they didn't consult with the provinces before they brought in an extension to EI benefits for family leave. He was angry because the federal government didn't talk to the provinces before they brought it in. Yet you've got Bill 139, a bill that does significant damage to workers' rights and union rights. It is going to do a lot of harm on construction sites. People are going to be hurt, die. It is a union-busting bill if ever there was one. The minister admitted he didn't speak to anyone in labour, that there's nothing in the bill that labour wanted, only what business wanted, and he's issued a public allocation motion where there are going to be no public hearings. Labour gets no say, none, not even tokenism.

I raise that because, at the very least, given that when we are dealing with taxation issues as they affect our communities, nothing could be more important to the quality of life and the ability of our municipally elected representatives to provide and plan for it.

As I close off my remarks this evening, I want to implore, urge, ask, whatever it takes: give people a chance. Don't shut down the debate. Don't shut down democracy yet again. Give the municipalities an opportunity. Give

us a chance to bring in the tax experts. Let us, as members of this place, have a legitimate role to play in the development of bills like this, especially ones that go to the heart of what our cities and our communities and towns can and are going to be. Give them, give us, that opportunity. Don't shut things down. There's still time.

Speaker, I look forward to finishing off my opening debate at the next earliest opportunity.

The Deputy Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2128.

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CONTENTS

Tuesday 21 November 2000

SECOND READINGS

Continued Protection for Property

Taxpayers Act, 2000,

Bill 140, *Mr Eves*

Mr Tascona	5655
Mr Gilchrist	5657, 5660, 5669
Mr Bartolucci.....	5659
Mr Christopherson ..	5660, 5669, 5670
Mr Hastings	5660
Mr Phillips	5660, 5661, 5670
Mrs Pupatello.....	5666
Mr Sergio.....	5667
Mr McMeekin.....	5669
Mr Hastings	5670
Debate deemed adjourned.....	5676

ROYAL ASSENT

The Lieutenant Governor.....	5661
------------------------------	------

TABLE DES MATIÈRES

Mardi 21 novembre 2000

DEUXIÈME LECTURE

Loi de 2000 poursuivant les mesures

de protection des contribuables

fonciers, projet de loi 140, *M. Eves*

Débat présumé ajourné	5676
-----------------------------	------

SANCTION ROYALE

La lieutenant-gouverneure	5661
---------------------------------	------

A20N

1

D23



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**Assemblée législative
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(Hansard)**

**Journal
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Wednesday 22 November 2000

Mercredi 22 novembre 2000



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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 22 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 22 novembre 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

SOCIAL ASSISTANCE

Mr Gerry Phillips (Scarborough-Agincourt): I want to register my growing concern with the actions of Mr John Baird, the Minister of Community and Social Services, and his constant attack on Ontario's most vulnerable people. For some time now, I have been increasingly disturbed by Mr Baird's actions as he plays to the public misunderstanding of social assistance and unfairly attacks the people least able to defend themselves. He does it for pure political gain. He knows that at least 98% of all people on social assistance are decent, honest people who are on social assistance as a last resort. He knows that social assistance provides a single parent with two children with only \$15,000 a year.

This minister deliberately plays to public misunderstanding to undermine public support for all people on social assistance. I'm disturbed by his ordering "Wanted" posters in public buildings. He waves a credit card around, implying that many people on social assistance have one. He orders mandatory drug testing for people on social assistance. Today's conference on welfare fraud announced 550 convictions, one tenth of 1% of all people on social assistance.

The auditor yesterday pointed out that 61,000 businesses had defaulted on paying their sales tax and 18 doctors convicted of criminal fraud against OHIP are still practising medicine, and yet he doesn't have "Wanted" posters in chambers of commerce and in doctors' offices. He doesn't order mandatory drug testing for those doctors and those fraudulent tax evaders. He attacks the most vulnerable in our society. He should be defending our most vulnerable instead of kicking them when they are most in need.

Mr Tony Martin (Sault Ste Marie): In the same spirit, I was disgusted and horrified this morning to attend yet another government-organized press conference to demonize people in receipt of social assistance in this province yet once again.

You will remember some of us describing the attack on our most vulnerable and marginalized by taking away almost one quarter of their income, some 22%, in July 1995 as akin to the bully walking into the schoolyard,

picking out the smallest and the weakest, and laying a beating on them just to send a message to the rest about how tough and determined they are to wield power and control. Well, this morning they kicked them once again. Last week they booted them with the right foot; today they gave them the left. I suppose this kind of behaviour will continue until they get the message that this kind of abuse is totally unacceptable, disgusting and abhorrent.

First they take their money; then they cut their programs; next they make it illegal to panhandle; then they contract with the toughest motorcycle gang of them all, Andersen Consulting, to find new ways of putting the thumbscrews on; then they cut them off for life if they make a mistake in their reporting. Last week and today they continue kicking them while they are down, and Mr Baird is enjoying it so, so much.

When will it stop? How much blood is enough? What's next? Capital punishment for being poor? This is scapegoating, no more, no less, and it has to stop.

SID HORNE

Mr Doug Galt (Northumberland): I draw your attention today to a very special constituent in my riding. This month, Padre Sid Horne marks 50 years of ordination and his legacy of giving.

Padre Horne joined the Royal Canadian Army Chaplain Corps in 1953. He was transferred to the regular force chaplaincy in 1956 and his postings took him to all regions in Canada, including Alberta, Quebec, BC and Manitoba.

In 1971 he settled at CFB Trenton, where he remained until his retirement in 1980. While at Trenton he was posted to Egypt for six months with the Canadian contingent of the United Nations peacekeeping force. It was an experience that he calls a highlight of his military career.

As a strong believer in community service, Padre Horne has been involved in numerous organizations over the years, including the Military Chaplains Association of Trenton, Ladies Auxiliary and several legion branches.

However, Padre Horne calls the seven years that he spent with the Anglican parish of Tyendinaga Mohawk Territory the happiest of his life. Horne worked with the Mohawks from 1987 until 1994 and when he left was honoured by the nation and given his own name, Raw Wen Nen Haw Wee, which means Carrier of the Word.

His achievements are many. However, when questioned on his divine intervention on the quality of the

weather, his standard response is, "I'm in charge of sales, not management."

Please join with me in acknowledging Padre Sid Horne's 50 years of ordination.

WEARING OF RIBBONS

Mr Frank Mazzilli (London-Fanshawe): On a point of order, Mr Speaker: I'd just ask unanimous consent to wear the red ribbon on behalf of the MADD campaign that's been launched.

SPECIALISTS' SERVICES

Mrs Sandra Papatello (Windsor West): We continue to bring forward cases that show clearly that we have a lack of family doctors and specialists where I come from, the riding of Windsor West, along with numerous other communities across the province.

I want to tell you about Anne, a woman who lives in Windsor, who has a broken fusion at the base of her spine. This woman is living in agony. Her family doctor wants her to have treatment immediately. Instead she has a booked appointment with a neurosurgeon for November of 2002. We brought forward a similar case not long ago, and yes, again, we're applying for out-of-country OHIP coverage to get this consult done so that we can get on with some treatment.

At the same time as I tell you about Anne, who desperately needs to get to a neurosurgeon instead of waiting until the year 2002, I tell you about Jay, a Windsorite who's in a medical school out of country. Jay is trying to come back home to practise when he's done. Well, what Jay needs is a J-1 visa to do residency in the US. In order to do that when you're from Ontario, they only grant this J-1 visa under very strict criteria out of designated hospitals.

Specifically, we need the rules to change. We need a Windsor hospital to be able to sign on to fill out the forms for the J-1 visa. We know that there are solutions that can be had long-term to resolve our family doctor and specialist shortage. In the meantime, we don't have time to wait. People like Anne cannot wait two years for this kind of treatment. I implore the government to make rule changes to help us now.

CPI CANADA

Mr Ted Chudleigh (Halton): I rise today to congratulate a company in my riding, Communications and Power Industries, known as CPI, of Palo Alto, California. I congratulate them on their move of their amplifier operation to their plant in Georgetown, Ontario, which rests in my riding.

CPI Canada has been operating in Georgetown since 1955 under the name of Varian Canada. Currently, the company employs about 250 people in Georgetown. Moving the amplifier operation will bring more than 100

new jobs to the facility—100 more high-tech jobs, 100 more good, paying jobs.

The Canadian division has been in the business of developing, manufacturing and marketing high technology used in satellite communications, radar and medical imaging. The company is the world's largest independent supplier of electronic systems used to provide power and control in medical X-ray systems.

The highly sophisticated electronic products convert signals for telephone, television, Internet and data transmission from earth stations to orbiting satellites. President Joe Caldarelli of CPI Canada tells me that more than 95% of the company's products are exported. Although the United States is one of the largest countries they export to, there is hardly a country in the world they haven't exported to over the period of time they've operated in Georgetown, since 1955.

I congratulate Joe Caldarelli and Communications and Power Industries for their move to that wonderful town in Georgetown.

1340

HAZARDOUS WASTE

Ms Caroline Di Cocco (Sarnia-Lambton): My statement is in regard to the continued mismanagement and incompetence of the Minister of the Environment in dealing with hazardous waste landfills.

I've been repeatedly asking the Minister of the Environment, both Minister Clement and now Minister Newman, to put into place a full-time inspector at the largest toxic hazardous landfill in Canada, which is located in Moore township. I've also asked the minister to address the need for financial assurances from Safety-Kleen.

The information was provided to the minister that a smaller hazardous waste site in South Carolina had to put up \$70 million in American currency to deal with remedial environmental problems, yet in Ontario, Safety-Kleen needs \$2.5 million.

The hazardous waste landfill in Moore township was fast-tracked. It became the largest toxic hazardous landfill in Canada. The Harris government has been shown to be incompetent at managing its responsibilities in protecting the interests of the people of this province.

Dalton McGuinty and the provincial Liberals have been pointing out the incompetent management of Harris and the neo-Conservatives on environmental issues, and now the Provincial Auditor has brought down one of his most scathing reports, which reinforces, in this case, the request for better provincial management of hazardous waste landfills.

DRINKING AND DRIVING

Mr John O'Toole (Durham): On Friday, November 10, I attended the official launch of the new Durham region chapter of MADD, Mothers Against Drunk Driving, which was held at Durham College in Oshawa. I was

encouraged to see so many young people show their support for MADD and the Project Red Ribbon—Tie One on for Safety campaign.

Now that the holiday season is approaching, I can't stress enough just how important it is for drivers to be aware of the irreversible results of accidents caused by drinking and driving. I would encourage people to tie a red ribbon on to their car's antenna to show support for the program.

This year alone there have been 19 alcohol-related traffic deaths in Durham region. This concerns many of my Durham constituents and is one that the province of Ontario does not take lightly.

Since 1995, our government has provided considerable support to the RIDE program and increased suspensions for drinking and driving, making them the toughest in Canada. Repeat offenders will now face a lifetime suspension of their licence, clearly conveying that this type of reckless behaviour is not tolerated in Ontario.

I'd like to wish the president of MADD's Durham chapter, Nancy Codlin, vice-president James Foster, and event organizer Geoff McCoombe well and thank them for their efforts. I also want to thank Connie Heron, whose daughter Amanda was killed by a drunk driver. I might say, her speech was the most moving event of the day.

Remember, arrive alive—don't drink and drive.

EYE CARE SERVICES

Mr James J. Bradley (St Catharines): In the Niagara region, we have a drastic situation concerning people requiring eye care. First of all, we have per capita the oldest population in the province of Ontario. Elderly people require eye care more than others.

There's a long lineup of people now. Waiting lists are as long as they've ever been for the limited number of ophthalmologists we have in the Niagara region. Eye care, as we recognize, is not a frill; it's absolutely essential. If you do not deal with problems immediately, blindness can occur.

The Minister of Health says they should all go to Hamilton if there's a problem. Hamilton is backed up as well. I have letters from Dr James Martin, acting chief, department of eye medicine and eye surgery, St Joseph's Hospital in Hamilton, and Dr Jeffrey Sher, chief of the Hamilton Health Sciences Corp department of eye medicine and surgery. They're all saying there's no room in Hamilton because they're already at maximum. Many of the people who are listed as ophthalmologists are only part-time ophthalmologists. Many have retired, and some have gone out of practice. This is a crisis situation. We also have extra billing taking place at the present time, where seniors must pay for lenses which normally would be paid for by the Ontario hospital insurance plan.

It's time this government took action to address a crisis in the Niagara region by temporarily lifting the billing cap for ophthalmologists and then ensuring we have a sufficient number for the entire region.

HOME CARE

Mr Marcel Beaubien (Lambton-Kent-Middlesex): On October 11, 2000, the member from Beaches-East York asked the Minister of Health and Long-Term Care a question regarding putting patients first and ending the competitive bidding process for homemaking services. The member stated that the Sarnia-Lambton Victorian Order of Nurses homemakers had been directed to deduct travel time from the time they spent with patients. The member specifically talked about a homemaker who had to travel to Camlachie, which happens to be in my riding of Lambton-Kent-Middlesex.

Speaker, let me share with you and with the House what Lavinia Dickenson, executive director of the VON, said in a letter written on October 20, 2000: "I researched this issue and am contending that the allegation is false." I am sending a copy of the correspondence to the member from Beaches-East York. In all fairness, I am sure she will see to it that putting patients first is of the utmost importance and will send a letter of apology to the Sarnia-Lambton VON.

INTRODUCTION OF BILLS

MUNICIPALITY OF SIOUX LOOKOUT ACT, 2000

Mr Hampton moved first reading of the following bill:
Bill Pr31, An Act to change the name of The Corporation of the Town of Sioux Lookout to The Corporation of the Municipality of Sioux Lookout.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

VISITORS

Mr John O'Toole (Durham): With your indulgence, Mr Speaker, I'd like to introduce in the west gallery grade 5 students from Monsignor Leo Cleary school in my riding of Durham, along with their teachers, Mary Gibson and Dave Ashcroft. I'd like to welcome them to the Legislature today.

ORAL QUESTIONS

ENVIRONMENTAL PROTECTION

Mr Dalton McGuinty (Leader of the Opposition): My first question today is for the Premier. It is about both your integrity and lack of commitment when it comes to standing up for our environment and for the health of Ontarians.

On May 29, while defending your cuts to the Ministry of the Environment after seven people had lost their lives in Walkerton, you stood in this Legislature and said the

following: "There has been no reduction in the number of enforcement officers, those people who go out and actually lay the charges and do those inspections ... to suggest that this has been responsible for fewer inspections—it's not true."

Yesterday the Provincial Auditor reported that you fired 25% of the Ministry of the Environment staff who perform inspections. He reported that those cuts have resulted in a 53% cut in inspections at our drinking water plants.

Why did you stand in this House and say that you didn't cut either the number of inspectors or the number of inspections, when the auditor says that is exactly what you did do?

1350

Hon Michael D. Harris (Premier): Certainly, the information I have is that there were no reductions in the front-line inspectors. There were a number of positions that were reduced, and we have acknowledged that. This is part of recommendations that we received to make government more efficient and more effective, that we not affect front-line services and that we try to streamline the bureaucracy so that we can do a better job.

The auditor has pointed out a number of areas where reductions have been made in the number of staff in the Ministry of the Environment. I'm not up to detail on inspections in which area or the other. I do know, and I can tell you this, that as I reviewed auditors' reports over the last number of years, there does not seem to be any improvement from when he slammed your government and the NDP government in the lack of inspection and follow-up.

Mr McGuinty: Premier, I want to ask you the same question again because you didn't answer it. You stood up in this Legislature and you said there were no cuts to inspectors and no cuts to the numbers of inspections. The Provincial Auditor tells us there has been a 25% cut in the number of our inspectors working out there on our behalf and this has resulted in a 53% cut in inspections at our drinking water plants.

The Premier may want to have some fun in comparing his record to the record of previous governments, but I would ask him to keep in mind that on his watch seven people died in the community of Walkerton.

I will ask you again, Premier: why did you stand up in this House and tell us there had been no cuts to inspectors or inspections, while the Provincial Auditor, a man in whom we have ultimate faith, tells us something completely different?

Hon Mr Harris: Let me repeat that, contrary to any allegations of reductions in inspection investigative staff, the reality is this: no reductions were made to the investigative staff, as I indicated before and as I now repeat to you today.

I can tell you as well that compliance funding makes up 49% of the ministry's workforce now, compared to only 40% during the regime of the government we took over from. Those are the facts.

Let me be clear. Nobody is suggesting that everything is hunky-dory and is perfect in the Ministry of the Environment. In fact, we have been the first to acknowledge that there have been problems there. There have been compliance problems there, and there have been challenges there. That's why we've got about four commissions now underway, including Val Gibbons, to give us advice on how we can restructure the Ministry of the Environment so we don't get the kind of auditor's report—

The Speaker (Hon Gary Carr): Order. The Premier's time is up. Final supplementary.

Mr McGuinty: If the Premier is genuinely interested in the facts, then I would refer him to page 119 of the Provincial Auditor's report. There is a chart there. It tells us that, when it comes to the number of inspections, they're down.

Mr Gerry Phillips (Scarborough-Agincourt): Dramatically.

Mr McGuinty: When it comes to the number of inspectors, they're also down dramatically.

Premier, you don't have any more credibility when it comes to the issue of the environment. The Provincial Auditor has confirmed that for us. Let's set that matter aside for the moment, and that is bad enough.

We need more inspectors on the job in Ontario. Your own Ministry of the Environment has recommended that you hire at least 130 full-time inspectors so they can be out there on the job and doing things like making sure our drinking water is safe for our families.

Setting aside your complete lack of credibility as to the record on this matter, Premier, why do you not proceed to hire those inspectors and, for the first time since you got the job of Premier, do something right when it comes to the Ministry of the Environment?

Hon Mr Harris: As you know, we have hired more inspectors already throughout the summer period and initiated a number of new initiatives since the very, very unfortunate situation in Walkerton.

But let me read to you from the auditor's report. It says "data submitted by the four largest contributors of acid rain in Ontario not being verified for compliance," "many pollution complaints received," "lacked adequate evidence of follow-up by the ministry." It says, "In our review of six districts covering two regions, we observed in four districts there were no control logs or summary records of complaints." "We selected 120 complaints, 15 incidents. No evidence exists that a complaint"—oh, I'm sorry. That was in 1987, when Mr Bradley was the minister.

This is the problem we have with the Ministry of the Environment. We have not had the kind of dramatic improvement with the Ministry of the Environment that we have had in many of the other ministries, so there is clearly more work to do.

AGRICORP

Mr Dalton McGuinty (Leader of the Opposition):

My question is for the Minister of Agriculture. You assured me, and in fact this Legislature, on October 2 of this year that at no time was any safety net money for our farmers gambled in the financial markets. My question for you today is, when did you or your officials first learn that, as the Provincial Auditor reported yesterday, \$2.9 million of safety net money was used inappropriately in a day-trading strategy?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I want to point out, as I've done a number of times in this House, that inappropriate things happened at Agricorp as they dealt with government money. That was brought to our attention in January or February by our ministry. They reported that the Provincial Auditor was doing a value-for-money audit at Agricorp and he was finding areas that were inappropriate. We immediately contacted the Provincial Auditor and met with him to discuss what needed to be done or what should be done in order to make sure this couldn't happen again and to address any of the things that had happened to make sure no government money was going to be consumed by this inappropriate action. That was completed.

As the Leader of the Opposition will know, he asked me whether—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up.

Mr McGuinty: You didn't answer the question. When did you first learn that this money was used inappropriately, money that was set aside to meet the special needs of farmers who fall on hard times, special insurance monies? When did you first learn about that?

We know that the Provincial Auditor, as a rule, delivers a detailed copy of his findings to the involved minister months before he makes his final report public. I raised the question about inappropriate use of safety net money for farmers on October 2. When did you or your officials receive a copy of the Provincial Auditor's findings, findings which confirmed that money was in fact used inappropriately? When did you get that copy? Long before this Provincial Auditor's report was made public? When did you find out in writing from the Provincial Auditor that monies were being used inappropriately?

Hon Mr Hardeman: As the leader of the official opposition would be aware, the ministry does, on a regular basis following a value-for-money audit, receive the preliminary report as to the events that took place. I don't have the exact date here, but I suspect it was somewhere in July or August that the first report would have come forward. That report indicated that Agricorp had taken a number of millions of dollars and invested it into the markets and had lost some \$300,000 on that investment. It was not put back where it was taken from, and we immediately replaced that to make sure that none of the money the farmers had put in the program—

The Speaker (Hon Gary Carr): Order. The minister's time is up. Final supplementary.
1400

Mr McGuinty: Minister, let's agree. We now understand that you in fact knew before October 2. You knew at the time that I raised this very question with you in this House that money had been used inappropriately. You knew that.

Now I'm asking you, why did you deliberately say that you didn't know when in fact you did? The Provincial Auditor had conveyed to you—either through a one-on-one meeting or through meetings with your officials or by way of documentation, he had provided to you sufficient information for you to know, when you stood up in this House on October 2 of this year, that money had in fact been used inappropriately. The money had been used by Agricorp officials in some kind of gambling scheme. They put farmers' hard-placed money at risk. Why did you stand up in this House and tell us something that you knew wasn't true?

Hon Mr Hardeman: I want to assure the member opposite that at no time did Agricorp, as inappropriate as the actions they took were, take crop insurance money into the market. They took other money invested, and when that went sour they in fact put the money into the crop insurance fund with the loss. Immediately upon finding that out, we put that money back. But at no time did Agricorp use the money that was the farmers' money in the crop insurance program to do the day trading. I don't think at the end of the day it matters whose money it was. The action was totally inappropriate and should not be condoned.

ENVIRONMENTAL PROTECTION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Yesterday, the auditor found yet more evidence of this government's gross neglect of Ontario's environment. The auditor makes it very clear that the inspection staff has been cut by 25% by this government in the Ministry of the Environment, and as a result the inspection of potential polluters is down by 34%. As a second result, the number of municipal water treatment inspections is down by 50%. As a third result, the number of inspections of hazardous waste sites is down by 40% even as hazardous waste dumping from the US has increased dramatically.

Premier, the auditor says that your government is no longer able to, no longer has the capacity to, enforce environmental laws in Ontario. What's your response to that kind of disgraceful situation?

Hon Michael D. Harris (Premier): I didn't read that in the auditor's report phrased quite the way you have phrased it. I read in the auditor's report concerns typical of what he had in reports in the 1980s. It's very typical of the reports in the early 1990s. It concerns me that with all the improvements we have made in all the ministries, and I think it's apparent in the auditor's report, we have not been able to make any substantial improvements in the

efficiency or the number of inspections that have come through the Ministry of the Environment.

We've made improvements in a number of areas. The number of convictions has just about doubled, part of enforcement information, from 1991 to 1999. Clearly we are on the job, but we're not doing as good a job as we could. I think that's the message the auditor is sending to us. It's a message we clearly acknowledge ourselves—

The Speaker (Hon Gary Carr): Order. The Premier's time is up. Supplementary.

Mr Hampton: No, Premier. The auditor was on the radio this morning, and he said that this report and the report last year contain the worst situations he has ever seen. That is what the auditor is saying. As for your statement that you're out there doing more enforcement, the auditor also says that in situations where you are supposed to get financial guarantees from potential polluters so that the people of Ontario aren't left on the hook, in fact \$90 million in financial guarantees weren't gotten by your government, that you're letting these companies off the hook, that your government failed to obtain financial guarantees from some of these potential polluters in 710 of 1,100 applications last year, a 65% failure rate.

In another case, with a company that has experienced financial problems, you simply let them off the hook, leaving the people of Ontario on the hook for over \$2 million in liability for a polluter. You've let more than \$10 million in environmental fines go unpaid.

The question remains the same. It is perfectly obvious you're not enforcing the environmental laws. What are you going to do about that disgraceful situation?

Hon Mr Harris: Let me read from the auditor's report exactly what he said. He said, "Efforts to monitor the generation and disposal of wastes were found to be less than satisfactory." He said, "The ministry did not ensure that all wastes shipped were received at the intended disposal facilities." He said, "The ministry had not followed up discrepancies noted in over 70% of the exception reports sampled." He said, "Some generators were discharging waste into sewers."

Oh, I'm sorry, this was 1991, when Ruth Grier was the minister under your government.

You see, we have been having problems at the Ministry of the Environment. The difference between you and the Liberals and us is that we acknowledge it. There are problems. They need to be corrected. We have put measures into place. The first thing you have to do is acknowledge that there is a problem, something you refused to do, something the Liberals refused to do, a reason why we never got some of these problems solved. Yes, there is more to do. We acknowledge that.

Ms Marilyn Churley (Toronto-Danforth): Premier, you are a disgrace. Get your head out of the sand. Under your watch, seven people died. Under the NDP watch, we took 1,000 people and put them into the Ontario Clean Water Agency. Under your watch, you took 1,000 people and put them out into the street. That is the reality here. The staggering costs of your so-called Common Sense Revolution are becoming clearer every day. Pre-

mier, you have slashed 60% out of the combined budgets of the Ministry of the Environment and laid off 1,000 staff.

We started to see the results of your cutbacks when seven people died in Walkerton. Now you are creating the climate where more people can die in this province as the result of your cuts. I'm asking you now. The debate is over. You are not protecting the environment. Will you commit today to rehire 500 front-line staff to protect the health of Ontarians? Will you commit to that today?

Hon Mr Harris: I can tell you that we are not committed to going back to the way you utilized the 500 staff, which led the auditor to say this: "Over 700 closed landfill sites have been classified as most in need of priority reviews. Only 200 had been inspected. Only 10 sites had been subject to detailed investigation with the help of external consultants. The ministry had no formal plan to inspect and investigate any more sites."

You want us to go back to those kinds of auditors reports, which were an absolute disgrace. The answer to that is no. Are we hiring more? Yes. As you know, we've brought in a number of initiatives. The minister has indicated that we have in fact brought in more inspectors specialized teams, to get at some of these problems.

As a result, for example, in 1991, we had 382 convictions; in 1992, 363; in 1993, 297. You see the trend there. Then we went, in 1996, up to 366; in 1997, 414—

The Speaker: The Premier's time is up.

AMBULANCE SERVICES

Mr Howard Hampton (Kenora-Rainy River): The other area where the auditor is highly critical of your government is on the issue of ambulances. On Monday 19 hospitals in the greater Toronto area were turning ambulances away. That's 80% of hospitals turning ambulances away. On average, that situation happened in September, October and November of this year. City councils across the province are living in fear of having to take over this underfunded ambulance system from your government. They're worried about having more Joshua Fleuelling situations happen. They know that the system is underfunded to the tune of at least \$100 million a year to bring it up to standard.

Premier, everybody in the province—the municipalities, the auditor—knows that the ambulance system is not in good shape and they know that forcing municipalities to take it over is not going to improve the system. Will you drop this dangerous scheme before more lives are put at risk? Will you take responsibility for this underfunded ambulance system you've created and stop forcing it on to municipalities?

1410

Hon Michael D. Harris (Premier): It's the same question you asked yesterday, and I will accept responsibility for increasing funding for ambulances by some 30% to date, an additional \$30 million on top of that over and above what you have funded. So if it's inac-

equately funded today, you can imagine the disaster it was when you were in government.

We make no apologies for trying to get a system that is uniform across the province. We make no apologies for finally setting uniform standards in 1996. It was pretty easy for you to respond to meeting the needs when you had no standards to measure by. So we do set tough new standards. Our business planning exercise continues to challenge the bureaucracy and the government to do better and better. It is measurable, and we welcome the auditor's pointing out where we're not achieving greater compliance with those new standards, including ambulances, and it will help us do better in the future, as opposed to when you had no standards. Nobody knew how well you were doing. You had something—

The Speaker (Hon Gary Carr): Order. The Premier's time is up. Final supplementary.

Ms Frances Lankin (Beaches-East York): Premier, there's a lot that you say you won't apologize for. I wonder if you will apologize for the death of Joshua Fleuelling.

You say you've got measures and you've got standards. I've stood in this House and I've told your Minister of Health day after day: 18, 19 hospitals on redirect or critical care bypass. I've told her that ambulances are sitting in the parking lots waiting up to 45 minutes to be able to take their patients into the hospital emergency rooms. I've told her that while that's going on, calls are backing up on a dispatcher's desk.

The auditor now confirms that and the auditor says that they were informed that the Ministry of Health had not analyzed the impact of redirect consideration and critical care bypass on travel time, or the delays in reaching the next patient. I've brought those issues to this minister's attention.

You say you've got standards? You say they're measurable? You've done nothing to even collect the data to make sure we know how patients' lives are being affected by this fiasco.

Anyone who works in the area of addictions or alcoholism will tell you that the first step to recovery is to get out of denial, to admit the situation. When will you acknowledge you have created a crisis? The crisis is putting patients' lives at risk. When will you take steps—

The Speaker: Premier?

Hon Mr Harris: Thanks for the advice. I appreciate it.

AGRICORP

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Agriculture. We now know that the Provincial Auditor met with you in January or February, and it is reasonable to assume that he would have conveyed to you the substance of his findings, within his Provincial Auditor's report, including the fact that Agricorp money had been used inappropriately.

We now know that you received detailed findings from the Provincial Auditor concerning this inappropriate

use of money at some time in July. So my question remains: why, on October 2, when I raised this matter with you in this House, did you deny, did you tell us that you had no knowledge, did you tell us that in fact no money had ever been used inappropriately?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): In answer to the previous question from the Leader of the Opposition—he asked when we received the report—I did receive a copy of the report in August of this year that outlined the problems the Provincial Auditor was finding. That was following our meeting we had in January or early February to talk about the problems that were at Agricorp.

Also, in direct response to the question the member previously asked in October about the dollars, I want to assure the member that the money that was invested was taken out of the operating money that Agricorp had—inappropriately, I might add—and they used some of the money that was sent to them by the ministry to issue cheques for the whole farm relief program, again totally inappropriately. When that was pointed out, the government immediately put the money back—

The Speaker (Hon Gary Carr): Order. The minister's time is up.

Mr McGuinty: Minister, you're confirming still further for us that you had both a meeting with the Provincial Auditor and that you received written documentation to the effect that there had been an inappropriate use of safety net money. But on October 2, when I asked you about that, you said no monies had been used inappropriately. So the question I've got for you is the one I've been asking several times over.

You know, Minister, the truth in this matter will set you free. You can relieve this terrible burden that you have on your shoulders right here and now by telling the truth. Why is it that on October 2, when I asked you about this matter, you said that no money had been used inappropriately, when on two prior occasions you had received information from the Provincial Auditor contrary to that?

Hon Mr Hardeman: Mr Speaker, I do have some concern with the suggestion that one is not telling the truth. I would think every honourable member in this House would do that all the time. I would expect no less from the Leader of the Opposition.

I want to say that in October, and in July and August when we received the report from the auditor, in fact Agricorp had inappropriately—and I said it then and I will say it now—invested money that they shouldn't have done. I just want to assure everyone, the member opposite and the farmers of Ontario, that there has been no loss to the farm safety net money and that farmers will get the amount of money they deserve and have a right to expect.

HIGHWAY 407

Mr John O'Toole (Durham): My question is to the Minister of Transportation. In my riding of Durham infrastructure is very important, infrastructure like High-

ways 401 and 407. In fact, if you look at the movie *Field of Dreams*, you would know the famous line, "Build it and they will come," and of course you can see the results of infrastructure for somewhere like Mississauga.

Could you inform the House and my constituents in the riding of Durham about the minister's plan for the extension of Highway 407 into Durham region?

Hon David Turnbull (Minister of Transportation): I appreciate the question from my colleague the member for Durham. Highway 407 has certainly been a great success in fulfilling its intended role of providing congestion relief. We now have up to 300,000 trips per day. People are voting with their wheels.

The Highway 407 east partial extension to Brock Road in Pickering is scheduled to be completed by December 31, 2001. It's being built at no additional cost to taxpayers, and the extensions are being built faster than if the public sector were involved in this.

The province is actively considering its options on when and how to reinstate the environmental assessment process for the Highway 407 east completion to Highways 35 and 115.

We are certainly committed to improving traffic flow through Durham and throughout Ontario.

Mr O'Toole: Thank you for that response, Minister. I find your information is critical.

As you know, Highway 401 through Durham represents an important link in the transportation corridors between Windsor and Quebec. I might add that there's not a nickel of federal money in this, despite the \$2 billion they collect in tax. However, to stay on topic, 130,000 vehicles per day, including over 14,000 trucks—and I might add I have two trips a day myself.

Minister, could you tell me what improvements this government is undertaking in this vital transportation corridor?

Hon Mr Turnbull: In early November, the government and the region of Durham, in partnership, launched construction of the first of three interchange projects to improve access to Highway 401. They are at Carruthers Creek, Lakeridge Road and Stevenson Road. The total value of this SuperBuild initiative is approximately \$59 million. When complete, three new interchanges will improve traffic flow and enhance road safety on Highway 401. The work includes safety improvements and replacement of the existing bridge at the Harwood Avenue-Highway 401 interchange. These initiatives are working to make the province's highways safer and more accessible to the people of Durham.

1420

CORRECTIONAL SERVICES

Mr Dave Levac (Brant): My question is for the Minister of Correctional Services. I've stood in this House and in public many times and stated that the correctional system in Ontario has an excellent framework, a good foundation and exceptional correctional officers and

staff, but it is being mismanaged. That mismanagement begins at the top, Minister, with you.

It appears the Auditor General agrees with this. Earlier this week in the Legislature, you took great pride in privatized Camp Turnaround in Barrie, notwithstanding your fudged recidivism rates, the infamous first-day escape, and your cherry-picked best-behaved inmates. Yesterday we found out from the Auditor General that nearly half a million dollars over and above the agreed contract was paid to that facility to keep it afloat. In addition, \$24,000 was paid in overpayments because the invoices were simply not checked against the contract and delivery. Talk about mismanagement.

Minister, is this the kind of sound fiscal management we can expect when you push ahead with your ill-advised plans to privatize the new mega-jail in Penetanguishene?

Hon Rob Sampson (Minister of Correctional Services): I thank the member for Brant very much for his question. I very much welcomed the auditor's report yesterday, as I welcomed reviewing the auditor's report of this ministry in previous years. I welcome it because that report has been saying what I have been saying for some time, which is that the system is a very expensive system and one that is not delivering effective results for taxpayers.

As it relates to your comments, you're quite clear. You've said that this is a model correctional system for other jurisdictions to follow. I might point out that your leader yesterday in the scrum said there are some real problems with the existing prison system. So I would suggest that perhaps the two of you try to figure out which lane you want to drive in here. I wasn't aware that there was a leadership debate going on there, but if you can pick a position on the current correctional system in the province, whether it's good or bad, that would certainly be helpful.

Mr Levac: The position is very obvious and very clear. The leader of this party and I want it managed properly, unlike what you're doing. That's exactly what the problem is.

Let's talk about new mega-jail facilities for a minute. Yesterday, the Auditor General stated, "The ministry's decision to finance and construct two 1,200-bed correctional institutions that cost \$180 million was not supported by a sound business case assessing the risks, costs and benefits of all feasible alternatives": \$180 million spent without a business plan. Perhaps the napkin it was written on got lost.

This is a very serious issue. Nowhere in this report at all did the Auditor General endorse or support the privatization of corrections. You have spent \$180 million of taxpayers' money without a business plan. Your ill-advised privatization plans have been mismanaged. You couldn't do it with a small program. What's going to happen to the 130 municipalities that said no, the 70% of Penetanguishenes that said no? Why are you going down and mismanaging our correctional facilities and the safety of the people of Ontario?

Hon Mr Sampson: Again, as the member for Brant will know, we introduced a bill in the House on Monday that will give us the ability to better deal with the correctional system in the province, and his response was, "I want to take this opportunity to thank the minister for making the commitment to fix the infrastructure of the jails ... of our province, and as I have told him, I thought that was a very worthwhile thing to do." That was you on Monday. Now it's Wednesday; it's two days, I realize. You are taking a completely different view. I say to the member opposite that if he were to spend the time to read the auditor's report, he would very clearly see that he believes that the Penetang and Lindsay situations, since they are virtually identical facilities, would be a perfect place for a meaningful comparison of capital and operating costs and other performance measures. In fact, this is exactly what we are doing with—

The Speaker (Hon Gary Carr): Order. New question.

YOUNG OFFENDERS

Mr Doug Galt (Northumberland): My question is directed to the Attorney General. In a recent letter to the editor of the Campbellford Courier—Campbellford being in Northumberland county—a concerned citizen discussed the problems of youth gangs in Campbellford. The anonymous person who wrote the letter states that they have been verbally and physically threatened by youths in Campbellford's main streets. They say that this is because young people are too young to be properly punished by our legal system, partly because their parents don't care or have no authority, and partly because it takes forever for the police to respond to incidents in town.

After hearing this concern, what assurance do you have for this constituent of mine that your ministry is doing its part to combat youth crime?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I thank the member for Northumberland for the question. This is a very serious concern for young people and their parents. There has been a 77% rise in the rate of violent youth crime in the past 10 years. Not only have we seen a rise in violent youth crime, but when it happens now, it tends to be more violent, more often involving gang activity and more often involving weapons. The usual victims of violent youth crime, regrettably, are other young people.

The federal Young Offenders Act, which has not been repealed by the federal Liberals, fails on the counts of recidivism, the number of young people who return to the youth justice system, and on escalation to the adult criminal justice system by these young people. The proposed Youth Criminal Justice Act, which did not get passed by the federal House, is a failure—

The Speaker (Hon Gary Carr): Supplementary?

Mr Galt: Thank you for the response. What our government is doing is certainly reassuring, but what the

federal Liberals are doing is very disappointing. Reforms to the Young Offenders Act are definitely needed, something our government has pleaded for for years. The Youth Criminal Justice Act of course died on the order paper when the federal Liberals called an unnecessary election.

As my constituent mentioned in the letter, there appears to be a large degree of criminal activity carried out by young offenders. What programs does our government offer to ensure that first-time offenders are being turned away from a potential life in crime?

Hon Mr Flaherty: The federal government needs to repeal the Young Offenders Act. It's a failure. It fails to protect young people in our society from violent youth crime. Provincially, within our area of jurisdiction, we have the strict discipline facility, which deals effectively with repeat violent young offenders.

However, there are a large number of young offenders who are non-violent first-time offenders. To address them, we have proceeded with the youth justice committees. In the May 2000 budget, the Minister of Finance provided \$3 million to triple the number of youth justice committees in Ontario. Those committees are very important in intervening with young people and asking them questions about what's going on in their life, why they're engaged in this activity that is anti-social and perhaps criminal in some cases, and turning around their lives in that way. There is a youth justice advisory committee to the Attorney General that met for the first time this week and I thank those—

The Speaker: Order. The Attorney General's time is up.

1430

FOREST MANAGEMENT

Mr Howard Hampton (Kenora-Rainy River): Premier, I want to draw your attention to page 232 of the auditor's report, where the auditor points out that the single biggest mistake your government has made has been to turn over inspection of forest practices to the forest companies themselves. In other words, the Ministry of Natural Resources isn't out there inspecting what the forest companies are doing any more. What's the result? When the forest companies inspect themselves, they find that only 3% of the companies are not complying with the law, but when the Ministry of Natural Resources goes out and inspects the same sites, they find that 20% aren't complying with the law.

As with the environment, your move toward privatization, your move to put companies in charge of inspecting their own operations, isn't working. What are you going to do about it, Premier, when so many forest companies aren't complying with the environmental and natural resource laws in our forests any longer?

Hon Michael D. Harris (Premier): I think I've heard a number of the Liberal members indicating that the Crown Forest Sustainability Act, which you brought in—I think you perhaps were minister at the time too—is the

legislation that allowed for companies to do a lot of this inspection and this work.

I am aware of the auditor's concern that he has expressed in there. I honestly have to tell you this, because we take the auditor very seriously: you indicated that in the auditor's opinion this is the biggest mistake we've made in the five years that we've been government. While I don't want to help you with your work, I don't think it is the biggest mistake we've made. We've made a number of mistakes. We acknowledge that. I just don't happen to think that this is the biggest or the most significant one. I have to be quite honest and upfront about that.

The Speaker (Hon Gary Carr): The Premier's time is up.

Mr Hampton: Premier, one of the first things your government did was, besides dramatically reducing the inspection staff at the Ministry of the Environment, you also dramatically reduced the inspection staff at the Ministry of Natural Resources so they don't have the people in the field any more to do forest inspections. You rely upon the companies to do it themselves, and that's why you've got so many situations where they're not complying with the law.

But you've done something else. The forest renewal trust fund was put in place to ensure that before companies harvested the forest, they had to have the money in place in the trust fund to renew the forest. The auditor finds now that in 20% of the cases, you're not requiring the companies to do that. In fact, you've got some companies out there that are completely in deficit. It's no longer a trust fund. The money isn't being put there to do the forest renewal.

Premier, what are you going to do about that, and what are you going to do about it before you start pushing into the far north of the province and you start poaching on the territory of First Nations? Are you going to fix the problem you've created there first?

Hon Mr Harris: Since we don't plan to poach on the territory owned by First Nations, the question really is irrelevant.

SUPPORT FOR THE DISABLED

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Community and Social Services. I have here a letter written by an official of your ministry on ministry letterhead. It's a draft letter that was intended to be sent to service organizations in my community. I repeat, this is a letter from your ministry on ministry letterhead intended to solicit funds to assist a local family with a disabled child, to make home renovations.

Minister, you know about this family because I've written to you and I've spoken to you about their situation. The young son, Steven, is 13 years old and he's a spastic quadriplegic. His mother is a sole-support parent and is Steven's primary caregiver. She needs to have the doorways of their home widened to admit Steven's

wheelchair as Steven is now too big for her to lift him in and out.

Steven's mother came to your ministry, and I came to you, seeking help so that she can help keep Steven at home, and your answer was to offer to go begging in our community on her behalf. Minister, I ask you, is that what your government has come to? Soliciting for the disabled instead of offering them support?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): I haven't seen the letter in question. I'm not familiar with it. Obviously, it's difficult to talk about the circumstances of any particular case that is brought up here before the Legislature. I know the member opposite has brought a number of issues with respect to constituents in her community. I've certainly agreed to do the very best we can.

This is a new program we've set up, the home and vehicle modification program, to help deal with a whole host of issues and challenges. The former vocational rehabilitation service dealt primarily with just adults and dealt with only—

Interjections.

The Speaker (Hon Gary Carr): Take your seats, both of you. The last warning to the member for Toronto Centre-Rosedale, the member for Elgin-Middlesex-London and the member for Simcoe North. If you're going to yell, "Shut up," you're going to do it out of here. Last warning to all three of you. No more "Shut up" or you're out of here.

Sorry for the interruption.

Hon Mr Baird: The goal of the program, that was announced through the March of Dimes in London, was to provide independence for adults in the community. Children have not been covered by the program. There is a federal program, RRAP, operated at the federal level. We're certainly pleased to work with the member opposite on the issue.

Mrs McLeod: I sent you a copy of the letter on ministry letterhead with my constituent's name whited out because this is a letter which I, with her permission, have made public. You will know the constituent's name because you have a file that I have personally discussed with you in hand-delivering letters from my constituent. Because you've been dealing with this issue—at least I thought you were dealing with this issue—as has your ministry, you will know that none of the programs which you have just described are programs that Steven is eligible for or programs for which there are any more funds.

Minister, my constituent refused to sign the consent form to allow her personal situation to be discussed in our community through this letter. She was humiliated by the very thought of it. In fact, she had already approached local service clubs on her own behalf.

Interjection.

Mrs McLeod: Mr Speaker, I'm having difficulty with the Minister of Education's interjections, because as emotional as my constituent is about this issue—

Interjections.

Mrs McLeod: I can tell the Minister of Community and Social Services and the Minister of Education how emotional my constituent is about this. She wants the minister to know, she wants your government to know—

Interjections.

The Speaker: Would the member take her seat.

The Minister of Education, come to order, please.

Sorry for the interruption.

Interjections.

The Speaker: Order. We have a very serious situation here. I'd appreciate everybody's co-operation. The member is trying to place the question. The minister answered the first question. There's another supplementary. I'd appreciate everybody's co-operation.

Sorry for the interruption.

Mrs McLeod: Perhaps I should apologize for taking this issue so seriously, but I've been working with this constituent for some time. I know how desperate she is to get the very basic help that she needs.

She was humiliated that the Ministry of Community and Social Services would feel that it was appropriate to go soliciting funds in our community on her behalf. She wants the minister and this government to know that she can speak for herself and for her son, as she already has. She doesn't need or want your ministry to go begging for them. What she wants is one-time funding of \$15,000 to make the home renovations that will allow her to continue to care for her son. I don't think she's asking too much; neither does she.

Minister, there is a very simple way to retreat from what is surely an embarrassing spectacle of a government ministry going out and soliciting charitable funds. You simply have to provide the very basic help that Steven and his mother need.

I ask you, will you do that now?

Hon Mr Baird: This is a program about which the president of the Ontario March of Dimes has said, "The home and vehicle modifications program will be available to more Ontarians than the previous program. The criteria for this service expands eligibility from persons requiring assistance to pursue employment."

We are working very hard—

Interjection.

Hon Mr Baird: If the member opposite doesn't want to hear the answer, I won't bother.

FEDERAL HEALTH SPENDING

Mr David Young (Willowdale): My question is for the Minister of Health and Long-Term Care. Minister, I've been watching the federal election campaign with interest over the last little while. I watched the federal Liberal Party attempt to portray themselves as the saviour of health care in this country. To me, this is both bizarre and fanciful, given that it is the same federal Liberals, the very same, who dramatically cut health care payments to the provinces. What this means is that billions of dollars were repeatedly slashed from health care budgets across

this country, dollars that were intended for the most vulnerable.

Furthermore, it is my understanding that the federal Liberals still have not compensated all of the individuals who contracted hepatitis C through the blood system.

Interjection.

The Speaker (Hon Gary Carr): The last warning for the member for Hamilton East. I'm not going to continue to get up all the time. Last warning. He's out of here the next time I stand up.

Mr Young: As I was saying, it is my understanding that the federal Liberals still have not fully compensated all of the individuals who contracted hepatitis C through the blood system.

Minister, I have two questions arising out of that. First, would you kindly confirm the federal Liberal record on this important issue; second, if my earlier assumption is correct, tell us how the federal Liberal government attempts to justify this unconscionable position.

1440

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I'd like to thank the member from Willowdale for his question. Certainly like my colleague, I am surprised and disappointed at the federal Liberal record on health care. First of all, as we all know, the Liberals started to cut health care transfers in 1994-95 and it is just recently that they made some commitment to partially give us back the money. It's not going to be available, unfortunately, in the form of transfers until April 1, 2001.

More importantly, time and time again we in this province have called on the federal government to join Ontario and Quebec in ensuring that we provide assistance to those people who were affected with hepatitis C through the blood system prior to 1986 and after 1990, and they steadfastly refused to do so. It appears there is a two-tier health system for those people—

The Speaker: Order. The minister's time is up. Supplementary.

Mr Young: That's just what I thought. I recently read a letter by Joey Hache, a victim of hepatitis C, who some of you will recall bicycled across the country in an attempt to raise awareness of the plight of hep-C victims.

In his letter, Mr Hache directs the following comments to the federal Liberals, and I quote, "We are not a special interest group; we were poisoned because the system broke. No money to do the right thing? Ha! Look at Mr Chrétien's pre-election giveaways: hotels and golf courses." Mr Hache continues by saying, "I really believed compassion was a truly Canadian value. Well, Mr Chrétien has shown, through his party's actions, that while compassion may be a Canadian value at the individual level, it is by no means a Canadian value at the national Liberal level."

Minister, while this may be true of the federal Liberals, I know the Mike Harris government has taken a very different position. Can you tell us what the government of Ontario has done for those deserving victims of hepatitis C?

Hon Mrs Witmer: In the province of Ontario all victims received compensation, regardless of the time of infection. I'm pleased to say we have doubled the amount of compensation available for the individuals. We announced on May 9, 2000, that we would be increasing the amount from \$10,000 to \$25,000. I'm very pleased to say that this program has provided approximately 2,300 applicants with compensation totalling about \$57.5 million. We believe there are about 8,000 claimants in this province, and that will result in us providing \$200 million in compensation to all people, regardless of when they were infected with hepatitis C.

FORT HENRY

Mr John Gerretsen (Kingston and the Islands): My question is to the Minister of Tourism. Last Thursday, in answer to a question by the member from Peterborough, you stated that you've increased funding—I'm quoting directly from your answer from Hansard—to Fort Henry over the last five years. You and I know that is totally incorrect. I've got the budget here for Fort Henry over the last five years, their actual working document, and it clearly indicates that the amount of operating money the province is putting into Fort Henry on an annual basis has declined from a high of \$1.5 million to less than \$1 million currently. That is a fact.

You stated in your answer last week that you've put in over \$7 million. Will you not admit to me, Minister, that you were talking about money that was put in over a five-year period? Will you not do the right thing and put the operating money the province puts into the fort on an annual basis back to the level where it was in 1995, namely, the amount of \$1.6 million annually?

Hon Cameron Jackson (Minister of Tourism): First of all, I'm delighted that the critic for tourism, after a full year, has finally seen fit to raise an issue in this House about Fort Henry. The fact of the matter is that the member is selectively looking at the amount of money Ontario taxpayers have invested in this important heritage site. In fact, \$7 million of additional capital has gone into the St Lawrence Parks properties and the member opposite should be aware of that. For a small portion of this time, the member opposite was the former mayor of Kingston. He should understand the levels of commitment that this government has made to the fort. If anything, he should be spending some time trying to contact the federal government as to why they walked away from their commitment to this important national heritage site, which I remind the member is owned by the federal government.

Mr Gerretsen: Minister, I've got a letter in my hand here dated October 23, which was the response from you to a letter that I wrote you some time before that. The matter has also been raised in the House on a number of different occasions. But let me just read to you the agreement, under which the St Lawrence Parks Commission operates the fort, that you have with the federal government. It states explicitly—and this was an agreement that was signed in 1965 that is still effective today—that you,

the St Lawrence Parks Commission, which operates the fort, will "maintain the present state of restoration of Old Fort Henry," as it existed in 1965, and "engage in such further restoration and maintenance of Old Fort Henry as ... is warranted."

You and I know, Minister, that the federal government has put in \$5 million by way of an endowment fund last year. What I'm asking you, right here and now, is to do exactly the same thing. You are responsible for the fort. You have operated it for the last 60 years. Why don't you do exactly the same as what the federal government did and put in \$5 million so that this can truly be a partnership in which this national historic site can be operated for the benefit of all Canadians? Put up your \$5 million like the federal government did.

Hon Mr Jackson: First of all, the member has misquoted the document that exists between the province—

Mr Gerretsen: On a point of order, Mr Speaker: I am perfectly willing to table with the minister the document from which I read—

The Speaker (Hon Gary Carr): It's not a point of order, but if I could be helpful, if you want to send the document over it may be helpful. Minister?

Hon Mr Jackson: The document clearly states that maintenance at this fort will be undertaken by the province and that restorations to the fort, since this fort is crumbling, will be done by the federal government, and they further go on to suggest that any expenditure by the province of Ontario will be done within the means of the commission; in other words, if they have the financial means within their resources to do that.

I remind the member opposite, the federal government has admitted it owns the fort, it has put up the money in order to determine that the repairs would be in the order of \$35 million and that—

The Speaker: Order. The minister's time is up. Will the minister take his seat.

EDUCATION LABOUR DISPUTE

Mr Brad Clark (Stoney Creek): My question is for the Minister of Education. Yesterday our government passed back-to-work legislation putting 40,000 kids back where they belong—in school. Parents in my community, Minister, are a little bit confused because the member for Hamilton East told them that the Liberal Party would support back-to-work legislation if the ERC came in with a recommendation.

Madam Minister, why did we make the decision that we made?

Hon Janet Ecker (Minister of Education): Teachers have the right to collectively bargain—

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: I would ask you to ask the member from Stoney Creek to withdraw an inaccurate fact.

The Speaker (Hon Gary Carr): It's not a point of order.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker—

Interjections.

The Speaker: Take your seat. OK, folks, I start throwing people out starting right now. Any more, and you're out right now. Who wants to be first?

Chief government whip on a point of order, and I'm going to be very quick. If it's a smart aleck I will be up very fast.

1450

Hon Mr Klees: Speaker, I seek unanimous consent to give the member for Hamilton East an opportunity to fully explain his position on this matter.

The Speaker: All in favour?

Interjections.

The Speaker: You're going to need to be clearer, then, of what you want to do. We're not just going to open this up. Be very clear what you'd like to do, and I'm going to listen very clearly to hear if there are any noes.

Hon Mr Klees: Speaker, I really do believe that it's important that the House have a full explanation from the member as to why he has two different positions on this issue, and we give him two minutes—

The Speaker: Is there unanimous consent? I heard some noes.

It is now time for petitions. The member for Hamilton Mountain.

Interjections.

The Speaker: I'm sorry; there was some time. In all of the—how shall we say?—excitement, I forgot where we were. The minister had I think about 30 seconds to wrap up. Sorry.

Hon Mrs Ecker: Thank you very much, Mr Speaker.

Despite the thousands of parents who were calling all of us saying they wanted their children back to school, despite the efforts of Mr Clark, despite the advice of the Education Relations Commission saying the school year for these kids was in jeopardy, you can imagine the shock and the betrayal of parents in Hamilton-Wentworth when the Liberals went back on what they told them they would do and voted against this bill.

The Speaker: The member for Don Valley East on a point of order.

Mr David Caplan (Don Valley East): Thank you, Speaker. I have a—

Interjections.

The Speaker: Member take his seat.

The member for Hamilton East is now named. I ask him to withdraw from the chamber. I warned him once; now it's time to leave.

Mr Agostino was escorted from the chamber.

STATUS OF BILL 119

The Speaker (Hon Gary Carr): The member for Don Valley East on a point of order.

Mr David Caplan (Don Valley East): My point of order is in regard to Bill 119. The bill has been amended by the general government committee. It has been re-

printed and it appears for the first time today here in the Legislature.

In the reprint of the bill there are several pages which are not translated into French. I would quote to you standing order 33(d), which says, "No bill may be introduced in blank or imperfect form."

I want to refer to a ruling that you made back on December 22, 1999, in regard to Bill 46, introduced by my colleague from Scarborough-Agincourt. You said that that kind of format "is contrary to subsection 3(2) of the French Language Services Act. I must therefore advise the House that this bill contravenes standing order 33(d) and will be removed from the Orders and Notices paper."

Speaker, this is a very serious matter and I ask for your ruling.

The Speaker: For clarification, would it be possible for you to point out which sections, if the member could be so kind?

Mr Caplan: There are at least four pages, pages 4, 5, 6, 7 and 8, and there may very well be more. I'm sorry; page 9 as well. There may very well be more, but they are not in French translation in this bill.

The Speaker: I thank the member for bringing it to our attention. We obviously will investigate and let him know. I appreciate his thoroughness in bringing that to our attention.

PETITIONS

PROPERTY TAXATION

Mrs Marie Bountrogianni (Hamilton Mountain): I have a petition entitled "Unfair Business Taxes in the Region of Hamilton-Wentworth."

"To the Legislative Assembly of Ontario:

"Whereas independent business owners in the region of Hamilton-Wentworth are unfairly paying significantly higher commercial education taxes than other owners for similar properties in neighbouring municipalities; and

"Whereas the downloading of provincial services by the Harris government to the municipalities has increased local business taxes to an unacceptable level in the region of Hamilton-Wentworth; and

"Whereas the difference in business taxes is a disincentive for independent business owners to expand or maintain their business in the region of Hamilton-Wentworth; and

"Whereas the cost of such unfair taxes is inevitably passed along to the consumers on Hamilton Mountain and throughout the region of Hamilton-Wentworth,

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to call upon the government of Ontario, through the Minister of Finance, to immediately take the necessary steps to address the unfair rate of taxation facing the businesses on Hamilton Mountain and the region of Hamilton-Wentworth."

I sign this petition.

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): I have a petition regarding this government's ongoing discrimination against northern cancer patients. It reads as follow.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

I agree with the petitioners. I've affixed my signature to it and I'd like to thank Gerry Loughheed Jr for all of his efforts.

DIABETES TREATMENT

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a petition to the Legislative Assembly of Ontario.

"We are suggesting that all diabetic supplies as prescribed by an endocrinologist or a medical doctor be covered under the Ontario health insurance plan.

"Diabetes costs Canadian taxpayers a bundle. It is the leading cause of hospitalization in Canada. Some people with diabetes simply cannot afford the ongoing expense of managing diabetes. They cut corners to save money. They rip test strips in half, cut down on the number of times they test their blood and even reuse lancets and needles. These budget-saving measures can often have disastrous health care consequences;

"Persons with diabetes need and deserve financial assistance to cope with the escalating cost of managing diabetes. We think it is in all Ontarians' and the government's best interest to support people with diabetes with the supplies that each individual needs to obtain the best glucose control possible. As you all know, good control reduces or eliminates kidney failure by 50%, blindness by 76%, nerve damage by 60%, cardiac disease by 35% and even amputations. Just think how many dollars can be saved by the Ministry of Health if diabetics had a chance to gain optimum glucose control."

There are thousands and thousands of constituents in my riding who have put forth this petition.

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): This petition is to the Ontario Legislature. It is regarding northerners demanding the Harris government eliminate the real health care apartheid and discrimination which is being practised in the province of Ontario right now.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;"—somehow that isn't fair.

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

I proudly affix my signature to this petition and give it to Tim March, one of our pages from Scarborough, to bring to the table.

1500

Mr Tony Martin (Sault Ste Marie): I have a petition with some 800 names on it. It's from northerners who demand that the Harris government eliminate health care apartheid.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation; and

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to

health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

I sign my signature and I'll send it down with Jessica from Toronto, a page here in the Legislature these days.

PROTECTION OF MINORS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit material;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I'm pleased to attach my signature to this petition.

EDUCATION REFORM

Mr Tony Ruprecht (Davenport): I have a petition in regards to school reform in Ontario. It is addressed to the Parliament of Ontario. It reads as follows:

"We believe that the heart of education in our province is the relationship between student and teacher and that this human and relational dimension should be maintained and extended in any proposed reform. As Minister of Education and Training, you should know how strongly we oppose many of the secondary school reform recommendations being proposed by your ministry and by your government.

"We recognize and support the need to review secondary education in Ontario. The proposal for reform as put forward by your ministry, however, is substantially flawed in several key areas: (a) reduced instruction time, (b) reduction of instruction in English, (c) reduction of qualified teaching personnel, (d) academic work experience credit not linked to education curriculum, and (e) devaluation of formal education.

"We strongly urge your ministry to delay the implementation of secondary school reform so that all interested

stakeholders—parents, students, school councils, trustees and teachers—are able to participate in a more meaningful consultation process which would help to ensure that a high quality of publicly funded education is provided."

"We, the undersigned, also are categorically opposed to the closure and consolidation of St Raymond Catholic school or any school in the city of Toronto."

Since I agree with this sentiment, I am delighted to put my signature on it.

HIGHWAY SAFETY

Mr John O'Toole (Durham): I've been waiting all day for this. I have a petition presented to me respectfully by Joan Lonergan, who's from the St Joseph's worker council, Catholic Women's League. It's sent to me personally, John O'Toole, and to the Legislative Assembly of Ontario:

"Whereas motor vehicle accidents are the leading cause of death in North America; and

"Whereas studies conducted in the city of Toronto, the United States and Great Britain have reported that drivers using cellular phones while operating a vehicle significantly increase the risk of collisions; and

"Whereas people talking on cellular phones while driving may cause a 34% higher risk of having an accident;"—this is unbelievable, really.

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario to ban the use of hand-held cellular phones, portable computers and fax machines while operating a motor vehicle. We further respectfully request that Bill 102,"—that's John O'Toole's bill—"An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway, be passed unanimously by all members of the provincial Parliament of Ontario" immediately.

I'm pleased to sign this and also to present it to Geoff from Rockwood in Guelph-Wellington, Ms Elliott's riding. I'm presenting this to Geoff today in the House.

NORTHERN HEALTH TRAVEL GRANT

Mr Michael A. Brown (Algoma-Manitoulin): I have a petition to the Ontario Legislature. It is signed by many northerners, most of whom appear to be from the fine city of Sault Ste Marie.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to

health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which presently exists in the province of Ontario."

I'll sign these petitions and I assure you there are many more to come.

The Acting Speaker (Mr Bert Johnson): Further petitions? The Chair recognizes the member for Durham.

Mr John O'Toole (Durham): Mr Speaker, I'd like to default to the member from Bramalea-Gore-Malton-Springdale.

Interjections.

Mr O'Toole: Pardon me. I'll go ahead.

"To the Legislative Assembly of Ontario"—

The Acting Speaker: I'm sorry; that isn't your decision. Further petitions?

GOVERNMENT ADVERTISING

Mr James J. Bradley (St Catharines): My petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas essential health care and educational programs have been deprived of government funding because the Conservative government of Mike Harris has diverted these funds to self-serving propaganda in the form of glossy pamphlets delivered to homes, newspaper advertisements and radio and TV commercials;

"Whereas the Harris government advertising blitz is a blatant abuse of public office and a shameful waste of taxpayers' dollars;

"Whereas the Harris Conservatives ran on a platform of eliminating what they referred to as 'government waste and unnecessary expenditures,' while it squanders well over \$188 million on clearly partisan advertising;

"We, the undersigned, call upon the Legislative Assembly of Ontario to implore the Conservative government of Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising."

I affix my signature, as I'm in complete agreement with this petition.

1510

ORDERS OF THE DAY

TIME ALLOCATION

Hon Chris Stockwell (Minister of Labour): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 139, An Act to amend the Labour Relations Act, when Bill 139 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered to the standing committee on justice and social policy; and

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted; and

That the standing committee on justice and social policy shall be authorized to meet during its regularly scheduled meeting times on one day for clause-by-clause consideration; and

That, pursuant to standing order 75(c), the Chair of the standing committee on justice and social policy shall establish a deadline for the tabling of amendments or for filing them with the clerk of the committee; and

That the committee be authorized to meet beyond its normal hour of adjournment on that day until the completion of clause-by-clause consideration; and

That, at 4:30 p.m. on the day designated by the committee for clause-by-clause consideration of the bill, those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill, and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration, and not later than December 6, 2000. In the event that the committee does not fail to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House;

That, upon receiving the report of the standing committee on justice and social policy, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading;

That, when the order for third reading is called, two hours shall be allotted to the third reading stage of the bill, the debate time being divided equally among the three caucuses, after which the Speaker shall interrupt the

proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment;

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding "Deferred Votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Acting Speaker (Mr Bert Johnson): Minister, you inserted the words "does not." It would otherwise read "the committee fails." What was said was "the committee does not fail."

Hon Mr Stockwell: That was clearly my mistake.

The Acting Speaker: The printed copy will sustain that.

Mr Stockwell has moved government notice of motion 73.

Hon Mr Stockwell: I appreciate that heads-up work by the table. I appreciate their timeliness in jumping in there. I apologize to the House for that grievous error.

This bill, Bill 139, is the Labour Relations Amendment Act, 2000. It does a series of things that seem to have upset certain members across the floor. I think it's an opportunity for me to offer an opinion that may be different than the ones across the floor, but equally valid and, I also think, arguably legitimate.

Let me talk about the salary disclosure of union officials. That seems to be a very accepted argument. There doesn't seem to be a lot of concern with respect to the salary disclosure argument for the \$100,000, so I'm not going to spend a lot of time on that. The unions have seemed to be OK with it, we're OK with it, and mostly I think on the other side. There hasn't been a lot of talk about it. In passing, it's the same disclosure required for publicly traded companies, for public servants, for us, and for a whole bunch of other people who are out there in the private sector.

I haven't heard a lot of discussion on the decertification changes, frankly, I think because basically they're not that unreasonable. The decertification changes we're asking for in this legislation are fairly fundamental, and I don't think dramatic. You understand, Mr Speaker, that you can only decertify a union during the last 60-day period of a collective agreement. We would all probably accept that most collective agreements run generally three years. Ultimately, three years would be 36 months, Tony. That would mean you'd only be able to decertify in the last two months of that 36-month agreement. We're expanding that, instead of the last 60 days, to make it the last 90 days. That, I don't think, is too draconian. It gives a better opportunity for employees who would like to decertify a union to simply decertify or decertify a union in order to move to a different union that presents them a better opportunity.

The argument is often made that people who belong to a union want to belong to the union because they voted the union into the place, but that's not true in a lot of instances. If you think in certain circumstances where a

union frankly has been at that workplace for 20 or 30 years, there's probably a significant number, if not maybe all, of the employees who work in that industry in that union who never really ever had an opportunity to vote that union into place. I'm not suggesting they may not want a union, but they may not want that union. Maybe they don't want a union at all. But this idea that seems to circulate out there, including in the opposition benches, that all unions are democratically elected into the workplace is, generally speaking, true at the time, but over time and with the retirement or leaving of individuals, there can be workplaces in this province where not a single soul who works in that particular operation ever voted to have that union represent them.

All this window period does is expand the 60 days to 90 days to do one of two things: to either change the union that represents you—and we've got a big kerfuffle out there with respect to the CAW and raiding and so on—or you may say, "Look, our company has reached the stage where the employees don't want a union any more." Frankly, that could very well happen. That's the kind of thing we need to discuss.

I will be sharing my time with the members for Bramalea-Gore-Malton-Springdale, Brampton east and Scarborough Centre.

Those are the kinds of things that need to be disclosed in the decertification process.

Let's understand very clearly, simply giving an opportunity for a union to expand the decertification window doesn't necessarily mean they're going to decertify and not be a union any more. It may just mean they decertify to change unions. That's how the process works.

Certification procedure changes: this is another one where I have some difficulty in understanding the opposition's arguments. They seem to be prepared to accept that you can only decertify a union for three months out of a 36-month contract. Just do the math: 33 months you can't decertify. It doesn't matter what the employees want, it doesn't matter what the employees think they need, the law says you can't decertify. For 33 months of a 36-month contract, regardless of the tension, regardless of the intention of those employees, they can't decertify. We accept that as part of the act. That's part of legislation.

1520

Having said that, when we're talking about certifications, we're not asking that a window, a ban, a bar, be placed for 33 months. We're not asking that a bar be placed for 24 months. We're not asking that a bar be placed for 18 months, which is virtually half of what you do under a decertification drive. We're asking that a ban be put in place for 12 months. There's a bit of a contrary nature to this argument on the other side. If you think it's OK not to decertify, to make it illegal to decertify a union for 33 months of a 36-month contract, why, after losing a certification drive would you not consider it reasonable that you can't have another certification drive for 12 months? It seems to me that is practically a third of what it is for decertification.

I have a difficult time getting the members opposite to square that circle. Why is it OK to decertify like that and have a ban in place, but it's not OK when you have a certification drive that fails to put a ban in place for 12 months? I've talked to a lot of people about this out there, and any unbiased third party I've spoken to doesn't think this is the least bit unreasonable.

Mr James J. Bradley (St Catharines): This is driving me out of the House.

Hon Mr Stockwell: I've finally discovered what will drive you out of the House and I'm putting that in my hip pocket, Mr Bradley.

Vote clarity: this is another issue that I think needs to happen. Let's be clear about this. This isn't about every vote the union takes to go on strike. For the lay people out there who don't know, what vote clarity talks to—what I mean by strikes, when unions go back to their membership, they usually frame a question of “Should you accept this offer that the company has put on the table? Yes or no.” Implicitly, the “no” answer also gives them direction to go on strike. Understand that. In reality, you're answering two questions with one ballot.

We're not saying they have to change that for the entire collective agreements negotiated out there in the private sector. We're not saying they have to change it for every mature bargaining unit and bargaining process that takes place in this province. But we are saying that during first-contract negotiations where the parties aren't sophisticated, it's the first time they've been through this process, they split that question. That's as controversial as this legislation gets—that they split the question. They give these employees, who are for the first time negotiating a collective agreement, the opportunity to have a vote on whether or not they want to have the collective agreement, and if they say, “No, we don't like the offer,” they give them a vote of, “Do you want to go on strike?” Not for every collective agreement, but for your first contract because the parties are not mature negotiators at this point and it's an opportunity for the employees to make a reasoned, rationale and thoughtful decision.

So far, that's how controversial this has gotten. Frankly, I don't think it's that controversial.

To move on, non-construction employers. My friend from Hamilton East was apoplectic the other day with his question on the non-construction employer provision. I've canvassed this one out there with my friends and colleagues and others and asked them—

Mrs Sandra Papatello (Windsor West): Just explain the banks. Why the banks?

Hon Mr Stockwell: The banks aren't even included, to be quite honest. That's the other thing. You get this little bit of evidence and you run with it. The banks are precluded from this provision. They won their preclusion at the Ontario Labour Relations Board. They're not included. It's so vitriolic in here and so vociferous, you can't even get that out.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): So what?

Hon Mr Stockwell: So vociferous. It gets so vitriolic. It gets so difficult to get a point across to the other side. The banks aren't even included. They're not included in this. The last one that was in this package, TD, ended up, I think, going to the Ontario Labour Relations Board and getting themselves removed from the provision.

You know how controversial this provision is that's created this feeding frenzy? It's this controversial: it says—and I can't believe Liberals are opposed to this; I just cannot believe it—when a publicly funded government, be it a school board or a municipality, wants to tender their work for construction, they be allowed to tender it to union or non-union companies. That's it. Presently in place we have a law that binds certain school boards and administrations to this: they cannot tender their work to non-union companies.

I'm not telling them they have to tender to unions. I'm not telling them they have to tender to non-unions. All I'm saying is everybody pays taxes—everybody—and if you pay taxes, there's one privilege that I think you should insist on having—and I can't believe anyone argues this—you should have the privilege to bid or get government work unfettered of restrictions or biases or discrimination.

I thought that's what the NDP stood for. I really did. They used to talk all the time about anti-discrimination law, but somehow in this twisted logic, this world that we've developed, some people seem to think it's OK to say, “Because you don't have a union card, you can't get work from my local government,” and make that a law enshrined at the provincial level. I'm not saying local councils can't make that decision. If in Windsor or Hamilton or Pembroke or Toronto they want to say, “We only tender to union companies,” then so be it. They are allowed to say that. I'm not even contemplating taking away that right or privilege. If they want to say in Richmond Hill or in Ottawa, “I only tender to non-union companies,” they could do that too. That's their decision. They're duly elected.

Hon Al Palladini (Minister of Economic Development and Trade): What about Vaughan?

Hon Mr Stockwell: Or Vaughan.

What I am saying is there never, ever should be an act in place at the provincial level that says hard-earned tax dollars are only available to card-carrying union members. That's wrong. Think of it. Let's put the shoe on the other foot, I say to my colleagues across the floor who find difficulty with this position. What if we had a law in place that said local municipalities cannot tender construction work to unionized companies? They'd be leaving the planet in droves, they'd be so upset. That would be reprehensible, unacceptable, discriminatory, barbaric, prehistoric. But the opposite—well, that's OK. Anyone find that passing strange? How do you square that circle? I just don't get it.

Are we telling municipalities what to do? No. Are we telling unions what to do? No. Are we telling non-unions what to do? No. We're just saying, “Guys, you elect your council. They should have the unfettered right to make

that decision on their own," and somehow I'm setting labour relations back to the Stone Age, according to my new best friend, Sid Ryan. I'm taking labour relations back to the Stone Age because I should hold such a crazy and unbelievably hard doctrine decision like saying everybody should be allowed to work or bid for government work. I don't get that one. I don't get it.

I talk to a lot of people too with no bias, no axe to grind. You know what they say to me? "I don't understand how that's on the books. How did that get there? How could anyone think that's fair? How could anyone argue against a guy who's bringing in a piece of legislation that fixes that?" I say, "I don't know. They're just Liberals and NDP." That's where I'm at.

Hon Mr Palladini: Some Liberals are onside.

Hon Mr Stockwell: No, they're not. They're voting against the bill. All the Liberals are voting against the bill, and all the NDP.

To my friends across the floor, that's as controversial as the bill gets.

Interjection.

Hon Mr Stockwell: Let's talk about one other thing before I sit down, as I was so gracefully informed by the member from Simcoe. Let's talk about one other thing—and quit moving my chair—before I sit down.

There has been some concern on the other side with respect to posting how to decertify in a workplace. Let me tell you how we got to that situation and how I got to the position I took.

1530
When I met with the labour leaders on a number of occasions, they all, to a person, to a man and woman, told me—and I heard the member from Renfrew speak about this—that they have very aggressive organizations that hire people specifically to go out there and unionize non-unionized workplaces. They told me they do that very aggressively. They think that somehow by passing legislation like this I'm going to make their job easier. So I say that's good. If that's what you want to do, that's good. Those unions are offering that kind of advice out there to non-union workplaces, so all this information is available to those non-union workplaces. All those employees there get this information from all the unions. There are many unions in this province and there are many unions aggressively out there trying to organize non-union workplaces.

In a unionized workplace, the union doesn't tell the employees, the membership—the brothers and sisters, in their vernacular—how to decertify. I don't blame them for that. Why would they? Of course they're not going to tell them how to decertify. I don't think the union is going to go in there and say, "OK, guys, we're your union representatives. I'm your executive and here's how you kick me out of work." Of course they're not going to do that; I don't think they should. But do you know what the law says today? It also says the employer can't tell them. The employer is prohibited by law from discussing how to decertify with any of his or her employees. He or she can't talk to them about it. So where do they get the

information? The unions won't give it to them—and again, I don't blame them—and the employer can't give it to them.

We get calls all the time: "How do I decertify my union?" My good friend from Grey was on the radio up there in Owen Sound not long ago and he talked about the guy who phoned him and said, "I want to decertify my union. I don't know how." The member from Grey had to go to great lengths to try and get the explanation to him. Ultimately he got it to him and then the guy figured it out and they successfully decertified their union. All we're saying is, "Post in the workplace how to decertify your union." That's all the bill says, because the unions won't tell them and it's against the law for the employer to tell them.

In a nutshell, and then I'll sit down, that's as controversial as Bill 139 gets: common, responsible, reasonable amendments to the Labour Relations Act. To suggest that they're overreacting is an understatement. The charges are outrageous, of course, and that is an understatement. I say to you that this is the kind of good labour legislation this province needs to continue on in profiting, in creating investment, creating wealth, creating jobs, getting people off welfare, getting people off employment insurance—or unemployment insurance, whatever it's called today—and getting them back to work. This is good legislation. It is not controversial legislation.

I want the members opposite, when they stand up, to explain to me exactly which one of these amendments they're opposed to.

The Acting Speaker: It will go in rotation. I'll just be a second because I wanted to introduce, in the members' east gallery, Brigid Brown and her friend Amanda deBatistma. I wanted to tell you that Brigid is from the riding of Perth-Middlesex. She was a page here in 1994. Her brother, Rob, was a page here in 1998.

Mrs Pupatello: I'm very pleased to follow the minister on his comments regarding this bill.

The minister and his government claim that they have had unprecedented growth in the years since they took power. They've done that without this bill. Don't come into the House today and tell me that you require this bill in order to have prosperity and growth in the economy in Ontario. You've been in power since 1995. All of the economic statements will tell us that we've had great growth in Ontario, and you've done it without the bill. That's the point.

The minister comes into the House today—and quite frankly, he's been entertaining. Even the people in Windsor West think this particular minister is entertaining. But we want to talk about the facts of the bill. You come in to propose that you're here for workers' rights, that you're doing this for the workers of Ontario. Where in the entire process of bringing a bill to this table did this minister consult with the workers of Ontario? Workers from Windsor West, call my office and tell me that the minister came to Windsor and consulted on Bill 139. I would ask any representatives from labour, have you had any input on this bill that would allow the Minister of Labour

to come in and say, "We're doing this for the good of workers. We're here to create a democratic place to work"? It's like a stick in the eye for the members of the labour workforce. I remember when this particular minister was named minister. Upon my invitation, I brought him to my community to meet with labour leaders. He stood at the podium at the Caboto Club at that time—not all that long ago, as you recall—and he said, "We're going to make peace with labour. We need labour to be partners." If you insisted on having labour as partners, why would you not consult with these individuals on this bill?

Let's talk about your salary disclosure, Minister. Tell me, when have you not known how much Buzz Hargrove makes for a living? He announces it himself. What possible purpose could you have all of a sudden in the year 2000 to bring this forward in the bill? How many times does a union leader not tell his own workers what he makes? They do it all the time. They do it with more bravado, frankly, than the government members. They stand at their dais and they yell out, "I make over \$100,000," and they're proud of the work they do for their labour group. There's no shame in that. They stand up and talk about it themselves. What is the purpose then, other than to be a stick in the eye for labour?

Let's go on. Information to decertify: the minister stood in the House moments ago and said, "Oh, they don't know how to decertify." If the member from Grey received a phone call from any individual who wanted the information, I would only wish that MPP from Owen Sound did as much work for his constituents when they called about health care as when they called to decertify a union. You and I both know that is not the case, and your members on your side of the House are very selective about the kind of constituency work they choose to do on behalf of their community.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): On a point of order, Mr Speaker: The member from Windsor is speaking about the member from Bruce-Grey and I don't think it's proper parliamentary procedure for the member to refer to the type of work the member from Bruce-Grey does in his own riding.

The Acting Speaker: That's a point of order, and I will remind the member for Windsor West that it would be better to address me and refer to the riding.

Mrs Pupatello: I am perfectly within my rights to suggest that members of the Conservative government do not represent their constituents well on the issues that matter to their constituents day to day, like health care matters, like education matters. Those individuals are not well represented by Conservative MPPs.

Mr Beaubien: On a point of order, Mr Speaker: Are we going to have a debate about members representing their constituents well? I will compare the way I represent my constituents in Lambton-Kent-Middlesex any time, anywhere, any place with the member from Windsor.

The Acting Speaker: That is not a point of order. If you would address your remarks through me, it will make the temperament a little bit better.

Mrs Pupatello: The minister comes in the House and pretends to do this for employees. There is not an employee who is a member of a union who is going to agree with this. That's as simple as it is. The minister could at a minimum come clean and say, "I'm doing this in response to my business"—

Interjections.

The Acting Speaker: Let me remind the member for Hamilton West and the member for Lambton-Kent-Middlesex that I can't have that going on. I don't think it's necessary for me to get up and remind you of the rules you've asked me to enforce for you. If you like, I will; I'll have to. I don't want to. Please help me.

Mrs Pupatello: Clearly they don't like to hear the truth from this side of the House. That's all it comes down to. The minister cannot pretend for a moment to drop a bill in the House for discussion as though he were doing it on behalf of employees. Just say it like it is; say you're doing it for the business community.

I can honestly tell you that in Windsor, where I come from, we have a booming economy. Ontario is booming. All of us know that the Americans are buying our cars. As long as Americans are buying our cars, the Ontario economy is booming. We have a booming construction industry. Could there be a more inappropriate time to create more dispute between government and labour? This is the worst time. There is no reason why yesterday the gallery should have been filled with people from the construction trades, to watch their anger at a time when they have never had more contracts to build than they have now. There has never been a time when it has been more inappropriate to create more labour strife in Ontario. Since 1995, when Mike Harris became the Premier of Ontario, we have had more labour strife than any other government in the history of Ontario. That's what we can say about Mike Harris.

1540

He purports to do it today for employees. I encourage the minister, who sits in the House today, to listen. You would think he knew of economic development and trade, he would be interested in continuing a construction boom in Ontario. Did you not sit next to your colleague at the cabinet table and say, "Would you stop provoking labour at this key time? Would you stop? Would you kindly go forward and try to make peace in Ontario so that we can continue an Ontario economic boom?"

Hon Mr Palladini: That's what we're doing.

The Acting Speaker: Order. I'd ask the minister from Vaughan to come to order and I would ask the member from Windsor West to address her comments through the Chair, please.

The personal pronoun "you," I believe, is not addressing it to me. If you would address me, it would help the tone of the meeting a lot more for the better.

Mrs Pupatello: Let's talk about some real issues for the Minister of Labour. Since the day he became the

Minister of Labour I spoke with him on a repeated basis about the kinds of lengths of time injured workers have to go through in order to see any recompense from the system. They managed to rename their fancy workers' comp; they managed to do all kinds of fancy things and want to talk about all of the good things. I want to talk about how long an injured worker in my community has to wait to go through a simple appeal process. We beg this minister to add staff to make it happen for these people, that they could either train them, retrain them, get them through the process, and the Minister of Labour says he did.

I have not one injured worker who is moving any quicker through the system than they did five years ago when this government took office. But we do have a new fancy title for the workers' comp bureaucracy.

Let's talk about other major issues—

Interjection.

The Acting Speaker: Member for Halton, come to order.

Mrs Papatello: —that the Minister of Trade ought to be dealing with. We have a significant skills shortage in Ontario. None is more apparent. Nowhere is it more apparent than in the community that I come from, and if you ask employers what their most significant issue is today—the Minister of Economic Development and Trade knows the answer to this question—the biggest issue that faces these industries today is a skills shortage. I haven't heard a word from the Minister of Labour about the skilled trade shortage. How many businesses have to get together over how many meetings with the local universities and colleges, with everything they can do, to provide training for people in a skills area that is significantly lacking?

If either our Minister of Labour or Minister of Economic Development and Trade would care to come to my community, we can put these meetings together for you. That's what's called appropriate priorities for a government when they're in the middle of an economic boom. I asked the minister; instead, what does he do? He comes and he drops 139 in—a poke in the eye, a stick in the eye to labour, at a time when we're doing extraordinarily well, especially in my community. I just want him to come to the table and say, "I did this for business. I didn't do this for employees. I'm not trying to change the rules to help make it fair for employees."

The minister's got the gall to stand and say this is fair. Fair? Does this government want to talk about fair? Let's talk about fair. I ask the Minister of Labour to be the first to put his whatever appendage forward for a drug test. Let's do that. Do you know why? Because that's fair. That would be fair. We want to put the welfare cases forward for a drug test. Let's put the whole Ontario cabinet forward for a drug test, including the member from Scarborough, who continues to heckle on whatever it is we have to say on this side of the House. Let's have her launch the drug-testing for the Conservative MPPs. That would be fair for Ontario.

Ontario Liberals want to talk about fairness. This bill is not about fair. This bill is about more harassment for labour at the time that it needs it the least.

Mr Tony Martin (Sault Ste Marie): I appreciate the opportunity this afternoon to speak on this time allocation motion where Bill 139 is concerned. It affords me the opportunity to share with this House some of the work I've been doing recently, looking at other jurisdictions, the success they're having, why they're having that success and how it relates to Ontario; and some of the things this government is doing on behalf of the people, and how they are, for the most part, in almost everything they're doing, dividing and conquering and creating a polarity that in the long haul I believe will not be in the best interests of everybody who calls Ontario home.

In this instance, again we have the government attacking very directly the labour movement of this province, bringing in a piece of legislation that in many significant ways attacks and takes away things people have fought for, negotiated, worked around, studied and, actually in some instances at great personal sacrifice, got put in place in their workplaces.

Whether it was remuneration, benefits, pension plans or issues of health and safety, they went to the wall. They saw, by way of what was happening to their neighbours and family members who went to work, that there was a need to make sure that work that was done was adequately compensated for, that there were benefit packages that helped people when their family or children got sick and needed to be taken care of, and that in their old age they had a way of looking after their needs and participating in the community and the society in which they lived in a meaningful, positive and constructive way, bringing their experience and wisdom to the fore and presenting it and having it respected and included in the decision-making that went on.

Alas, what we see now in Ontario is a diminishing, a devaluing of that contribution in many serious and significant ways. I believe, when you look at this in an overall strategy to improve the lot of the province and make it competitive where the global economy is concerned, that this will not be good. This will not support and improve and enhance our ability to compete. It will in the long haul make us a jurisdiction that is very narrow in understanding and different from the rest of the world as they move forward. I believe it will hurt very seriously and significantly some of those vehicles we have put in place, such as our health care system, our education system and our social safety net in a way that will not serve us well.

I'm not going to get into this in any significant way in the short time I have this afternoon because of the time allocation motion and again the limiting of debate on such important issues in this place and across the province, which happens so often, driven by this government.

We all know that the Minister of Labour is very articulate and eloquent in the way that he speaks and can make the arguments well and will convince a whole lot

of people that his positioning is correct in this instance. We have equally articulate and eloquent people on this side of the House who will make the counter argument. We will go back and forth and, at the end of the day, I guess the people will ultimately decide.

There will be an election in this province probably in about three years and then we'll find out. By then, what this government has done by way of alienating and polarizing some of the more important elements of society, particularly where the economy is concerned, will begin to be more obvious and the chickens will come home to roost. We thought maybe that would have happened in the last provincial election, but alas it didn't.

But I think that as time rolls on and the impact of legislation and initiatives such as the one we're time-allocating here today, where the labour movement is concerned and where our economy is concerned, becomes more and more obvious, people will become more learned and aware of the impact, of the lack of leadership and the very focused and limited leadership that has been given by this government, particularly where it involves attacking people.

We will hopefully begin then to correct some of the mistakes that have been made and get back on track, bringing us more in line with what other people are doing, where developing an economy that works for everybody is concerned, and giving us an ability to compete in a way that enhances our being able to continue to have an economy and a jurisdiction that is the envy of the world.

In the short time I have today, I want to speak very briefly about my experience of what's happening in Ireland. I've been looking at this for quite some time now. Some people in this place will know that's the place of my birth. I emigrated to Canada in 1960. I've watched, in the last 40 years, an evolution over there that has been quite extraordinary, to the point now where its economy leads the world in many significant ways. The question that needs to be asked is, why?

1550

I've gone over there to meet with some folks. I've led a trade mission from my own community over there to see if there wasn't some partnering that could be done so that we could support each other in our effort to recover our economy. Some of you will know that in northern Ontario, the new economy that we're looking at right now has not taken hold in any significant way, and we continue to struggle. So we're looking at other jurisdictions as to some lessons we might learn.

I have to tell you that the most interesting and exciting lesson that is to be learned in Ireland is not the reality that they have put in place this very competitive corporate tax structure, although that's part of it—that has been something they have used to attract some of the new economy investment into their country—but it is in fact a couple of other things, one of them being the partnership they've been able to forge between the major players in society in that country. They took the government, which is not afraid to give leadership, which is not afraid to live up to the challenge that it was presented by being elected

to lead in that country, and put it together at a table with business, which this government is wont to do and very good at doing, but also at a table where organized labour and the labour movement sits.

Over there, they believe that everybody has something to contribute, because at the end of the day, if we all contribute in a positive and constructive way, if we don't just shoot at each other and be contradictory and critical of each other, if we recognize the contribution that each can make, we all win.

That is quite different from the agenda of this government, which is not to include people, not to be inclusive of people, not to recognize the contribution that various groups of people have made to the fabric of the society of Ontario over a long period of time now, but to set them apart, to vilify them, to demonize them, to make them look as bad as is possible in the eyes of the general public so that they can then get on with the very narrow agenda of their government, which is to improve the lot of the bigger business entities that contribute very handsomely to their campaigns and their electoral prowess in this province so that they might make more profit. We all know the trickle-down theory, that some of that may trickle down and the rest of us might be somewhat better off. But we know, from jurisdictions that we can look at across this world, that what really happens is not that most people are better off under that kind of system. In fact, as Tommy Douglas was wont to say, in a trickle-down economic reality most people over time get really tired of being trickled on. I suggest that's what will happen in this province as well.

I think there are some lessons to be learned over in Ireland, where that government, taking the leadership that they've been given, the mandate that they've been given by the people, very seriously, looked around and identified those groups of people who had something of value to contribute and who had a vested interest—probably more of a vested interest than some of the more multinational corporate entities that now are very much present in Ireland where the long-term future of that country is concerned. They brought to the table some of the groups that this government has chosen to push away and to target and to name and to vilify and to demonize, because they felt they had something to offer.

In case you think that's just me talking, me wishfully thinking that this is something that should be happening over there, that I'm making this up perhaps, or using it to my own political advantage here this afternoon, I want to share with you some of the thoughts of Ireland's Deputy Prime Minister, Mary Harney, the deputy Taoiseach of that country, who spoke at a business group gathering in Vancouver just a week ago and shared with them the broader picture that they need to look at and that we need to look at if we are going to put in place an economy in this province and in this country that's sustainable over the long term, that includes all the resources that are out there, particularly the human resource that workers bring to their place of work every day when they go to work.

That's going to be good for all of us in the long run, because anybody who's looking at the economy today knows that it's a difficult and complicated thing to get their head around. But nobody will disagree with you when you tell them that to compete and be successful, we have to bring to the table everything we have, every bit of resource, every bit of intelligence, every piece of human potential that's out there, every person who has something to offer in whatever way.

Every person I know of whom I come in contact with in my community has something they've been given by way of their birth that is valuable, that they contribute. The question, though, so often is, how do we value it? That's what I think Ireland has got a bit of a handle on here and we should be taking a close look at and emulating that in so many ways. We're quick to rush to adopt very competitive, and in some instances attractive tax policies of some of those countries, particularly where taxes are allowed to go down, not understanding that there's a balance that needs to be struck, that you need tax dollars to keep in place some of the vehicles that are so important and that Mary Harney speaks of here as she addresses this group in Vancouver:

"Ireland's Deputy Prime Minister Mary Harney says massive tax reductions have played a vital role in an economic transformation that has made her country the world's leading exporter of software products.

"But if Canadians in general and British Columbia in particular"—and I suggest here this afternoon Ontario in particular—"have anything to learn from Ireland's success, it is that tax cuts alone are not sufficient to guarantee survival in a rapidly changing global economy, she said.

"In an interview in Vancouver yesterday, Ms Harney said Ireland has turned itself into a high-tech powerhouse through a consensus process that involves not just government, but unions and business leaders as well."

Interesting, certainly, the juxtaposition with what this government has chosen to do. This government has chosen not only to shut out the unions where developing the economy is concerned, but they've turned their guns on them by way of bills such as this Bill 139 we're looking at here this afternoon, which has been rammed through this House by way of time allocation, and they've said to unions, "You're not only not welcome at the table, but we're going to go out there and find you wherever you are and we're going to shut you down because you are an obstacle to any progress we will make where the economy of this province is concerned."

I'm saying to you here this afternoon that they're dead wrong and that other jurisdictions that are experiencing significant and important success in the economy, where they compete with Europe and the rest of the world, are doing it differently. They're including the unions and are including other groups in the country as well: women's groups, environmentalists, people concerned about health care and education.

It goes beyond that. That's not really what I want to leave first and foremost in people's minds this afternoon

re what's happened in Ireland. It's this social partnership they've been able to develop, but there's also a piece that's connected, and that's that they're willing to invest as well in those things that are fundamental to any good economy, which are health care and education.

You can't invest in health care and education if you don't have the tax dollars to do it and if you don't have the political backbone to put significant dollars into those programs, to support people no matter where they work or where they live in your jurisdiction or country, so that they can access the health care they need when they get sick, so they can do those preventive and educational type of things that are necessary so they don't get sick in the first place, and so that they can participate in the education system in a way that allows them then to participate to their full in the economy and the workplaces that are setting up shop in Ireland these days.

Yes, they're setting up shop in a very interesting way in this province as well, but not in an organized and inclusive and fulsome way. My own part of this province, northern Ontario, and, I suggest to you, rural Ontario—the things that we've done for a long period of time now which have supported the economy of this province, the resource-based economy that we represent, that we've spent our lifeblood developing and working in, are being undervalued today in the economy we live in.

1600

That's the place where our union brothers and sisters have participated so effectively to make sure the wealth created in those workplaces is shared equitably among those who work there, among the people who build up an economy around that particular entity, so that everybody in those communities can do well. But the economy that's out there today, that is multinational in nature, that is global in nature, really has no interest in places like Sudbury and Sault Ste Marie and Chapeau and Hornepayne, and so we as government have to make sure they understand that in anything they do by way of generating wealth for their corporations, there has to be an investment, a contribution, a return of that to the communities in which we all live and work and make some of our more significant investments. People who invest in homes need to know the government understands that investment is important in terms of the future of that community and in terms of the future of the people who live there.

So I say to you that we should pay attention and listen to people like Ms Harney, the Deputy Prime Minister of Ireland.

"In an interview..., Ms Harney said Ireland has turned itself into a high-tech powerhouse through a consensus process that involves not just government, but unions and business leaders as well.

"She said this 'social partnership' has enabled a ruling coalition comprised of Ms Harney's Progressive Democrats and" the governing "Fianna Fail party to introduce dramatic tax cuts, while increasing spending on health and education."

The point I'm making here is the balance that needs to be arrived at. There have to be investments in education and health and other infrastructure projects. There has to be a bringing together of all the partners. I tell you that the introduction of bills such as Bill 139, which we're looking at today, doesn't take us down that road. As a matter of fact, it sets up a circumstance that is the extreme opposite of that approach, and I suggest to you that it will not serve us well in the long haul. I would urge the government to rethink their approach where this is concerned and where their attack over such a period of time now, five or six years, on the union movement is concerned. There is another way of doing it, and that's to include, to bring people in, to sit down and talk and develop a co-operative and comprehensive approach that recognizes the contribution we all make, values it, and in the end makes everybody a winner.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I am very pleased to speak in support of Bill 139, the Labour Relations Amendment Act. This bill is an important piece of workplace legislation for our province. This bill is intended to strengthen individual workers' freedom in Ontario. It is important to remember that our commitments to the people of this province are not commitments to groups in society, but to each individual Ontarian. When citizens cast their ballots in an election, they are not voting as union members or business people or members of any group, but instead they are voting as individual citizens. Our government, in fact any government, must always keep in mind that what matters are not the wishes of union bosses, but of individual union members and all other citizens.

I would like to commend my colleague the Honourable Chris Stockwell, Minister of Labour and member for Etobicoke Centre, for introducing this bill. I am proud to support a piece of legislation which expands individual freedom.

During the last election campaign we made a commitment to workplace democracy. It is our belief that employees need more options and choices on the range of issues that go with belonging to a trade union.

Let me quote from our 1999 Blueprint. It's what we ran on and it's the plan the people of Ontario chose over the plan of the Liberals and over the plan of the NDP. On page 14 of the PC Party's outline of its commitment: "We've already boosted workplace democracy by giving workers secret ballot votes on certifying and decertifying unions as well as on strike votes. We'll strengthen the right of workers to decide, by secret ballot vote, whether they want to continue to be represented by a union. We'll also require that ballot questions be clear and easily understood."

On the same page, we also outline our promise, "We'll create a 'sunshine law' for union bosses, requiring top executives to disclose their salaries, benefits and expenses to union members."

This bill fulfills the promises that the PC government made to Ontarians in the 1999 election. I was proud to

stand for these commitments then and I'm very pleased to see them being introduced in this House now.

Last year we pledged to strengthen the rights of individual workers to decide whether they want to be represented by a union. Bill 139 keeps that pledge. It will help promote workplace stability and encourage investment in Ontario's construction industry.

Our previous amendments to the Labour Relations Act restored the balance between employers and unions in the workplace. We believe greater workplace democracy is necessary to restore the balance between individual workers and the unions.

Critics of Bill 139 have been quite vocal since its introduction. They say the government has changed the rules and stacked the deck against organized labour. They say these changes are targeted at vulnerable workers who might be interested in joining a union. Let's look at the facts.

Bill 139 does not change the threshold at which certification votes can be held. Bill 139 does not change the 50-plus-one majority required to certify the union in the workplace, nor does Bill 139 propose different rules for different workers. Employees who desire a union will follow the same steps as before, regardless of Bill 139.

So what has really changed? The answer is two words: democracy and accountability. Democracy is the foundation of all our institutions. Governments rise and fall on their popular support. It is no different for trade unions. They must continually be accountable and answerable to their members' wishes. Democracy and accountability are at the heart of Bill 139. They are the two words, the two themes, that knit the various pieces of the bill together. Let's look at the bill now to show you what I mean.

Union members pay dues and deserve to know where their money is being spent. Our proposal would require disclosure of the salaries and benefits of all union officials earning in excess of \$100,000 annually. This information would be submitted to the Minister of Labour by April 1 of the year following the year in which the salary and benefits were paid. The minister could make the information public or employees could request the information directly from their union. The whole idea behind this sunshine law is to make unions more accountable to their members. Public disclosure of salaries in excess of \$100,000 is required in public sector organizations and publicly traded firms. It is information that will give individual workers an understanding of where their money goes and the relative value they receive.

The next item in our Blueprint package is enabling employees' wishes to be heard in crucial first-contract situations. This is a very important and long-overdue change. First-contract negotiations can be difficult and awkward. Employers and employees are entering a new phase of their relationship. Many first-contract situations ultimately end up at the Ontario Labour Relations Board. We want to change the rules at this important point of a collective bargaining relationship to give employees the

time, information and choice they deserve when making such a major decision.

1610

If Bill 139 is passed, two things would change. The first involves completing arbitration and decertification applications. In a first contract, if agreement can't be reached, either party can apply to the labour board for arbitration. If one year passes and no contract has been reached, employees may apply to the Ontario Labour Relations Board to have their union decertified. Current board practice would deal with the applications in the order in which they were received. In future, the board would be required to hear the decertification case first. If the workforce decides on decertification, the matter is settled. If the decertification application fails, then the board would proceed with first-contract arbitration. This change would put the decision in the hands of the employees.

The second major reform concerns the issue of ratification and strike votes at first contract. Currently, unions are permitted to combine a vote to ratify a proposed collective agreement with a strike vote. But many workers feel they should be able to reject a first contract offer without going on strike. As the Minister of Labour said, many workers feel that a "no" vote should lead back to the bargaining table, not out to the picket line. By requiring separate questions for ratification and strike votes, the decision is again left in the hands of the employees. The true wishes of employees will be heard. Again, democracy and accountability are the driving forces here.

Our Blueprint reforms would also help employees looking for information on how to decertify their union. Information on decertification is hard to come by in Ontario workplaces. Unions do not provide this information. Employers are not permitted to do so. The result? Many workers have absolutely no idea how to go about decertifying their union. Our proposals would make it mandatory for neutral, factual information on decertification to be posted in every unionized Ontario workplace. The information would include who may make an application for decertification, when the application may be made and any applicable Ontario Labour Relations Board rules regarding the decertification procedure.

Our proposals would also expand the time period when decertification applications can be made from 60 to 90 days at the end of a collective agreement. Expanding the decertification window is essential if workers are to make better decisions by better understanding and exercising their options.

Bill 139 also works to promote workplace stability. Some employers are telling us that the productivity of their workplaces is affected by repeated unsuccessful union drives. Currently, if one union attempts to unionize a workplace and fails, another union may apply for certification the next day. This can be very disruptive. To aid workplace stability, our proposals would introduce a one-year cooling-off period between failed certification drives by any union.

Those are the highlights of our workplace democracy package. As I said earlier, the bill is not about weakening unions or showing them the door in this province. Unions need not lose one dues-paying member—

The Acting Speaker: Order.

Mr Gerry Phillips (Scarborough-Agincourt): On a point of order, Speaker: My apologies for interrupting the speaker, but we have in the Legislature today one of Canada's most famous people. The father of Wayne Gretzky, Walter Gretzky, is in the gallery.

The Acting Speaker: We are pleased that you could be with us today. I assume you're with the delegation from Brantford and we'll see more of you a little bit later.

The Chair recognizes the member for Bramalea-Gore-Malton-Springdale.

Mr Gill: As I was saying, the bill is not about weakening the unions or showing them the door in this province. Unions need not lose one dues-paying member or one certified workplace under this legislation. Union leaders may find, interestingly enough, that empowered members make better union members, period, because they are more active and involved in the organization.

I want to speak briefly on the construction provisions contained in this bill. Improving competitiveness in Ontario's construction sector is an important issue for the government and the current Minister of Labour. Many parts of the sector are booming right now, but there are underlying structural issues that need addressing. We must remain competitive on the cost side if our province is to maintain its fair share of new construction.

We made a commitment in the throne speech to modernize labour relations in the construction sector. Bill 139 is an important part of that commitment. The other part is Bill 69. These two bills, proceeding in tandem in the House, constitute a total modernization of an antiquated and archaic labour relations regime which hopefully will be consigned to history.

Today's legislation will put the finishing touches on our commitment to make this sector more competitive. We are proposing to make three fundamental changes to ensure the continued health and vitality of this sector. If passed, they would allow employers who do not sell construction services, such as municipalities and school boards, to remove themselves from the construction provisions of the act. This would enable them to tender projects to both union and non-union contractors. It'll permit project agreements to apply to multiple and future projects developed within the term of the agreement, thereby eliminating the need to negotiate a new project agreement for each specific construction project. It also protects non-union employers hiring unionized non-construction employees on the project from certification.

Ontario needs more project agreements. They are a tremendous way for the parties to design an agreement that may better reflect local business conditions than the provincial ICI agreement. We've got one in Sarnia, and the steel companies and unions are working towards one in Hamilton, which would be a big economic boost for

that community. Passing Bill 139 would help that process along.

Bill 139 is yet another example of our incremental, step-by-step process to ensure that the Labour Relations Act reflects Ontario's current economic needs and realities. We promised to give individual workers more choices and opportunities to express and carry through on their desires regarding union representation. We are keeping that promise. We promised to bring order to the pell-mell system of labour relations that prevailed in the construction sector, and we are doing so. Our reforms would stimulate that sector, make it more attractive to investors and create employment for workers, both union and non-union.

Bill 139 is a vital part in the expansion of workers' freedoms in Ontario. It allows individual union members greater freedom in deciding on whether they wish to be represented by a union. It increases their freedom on information, shining a light on union leadership.

To the two parties opposite, I issue this challenge: Show Ontarians that you stand for the freedom of individual workers, not the privilege of union bosses. Show that what matters to you is workplace democracy, fair labour laws and the accountability of union leaders to their members. On the basis of democracy, accountability, economic growth, job creation and renewed investment, I urge all members of this House to give Bill 139 a speedy passage.

Mr Mike Colle (Eglinton-Lawrence): This is a debate over another attempt by this government, as its habit is, to invoke closure; that is, to stop debate and rush a bill through. As you know, that has been a pattern of this government since it came to power. It has changed the rules to make the shutdown of debate much easier, and it has developed certainly a habit of doing that.

I think people have to be reminded of that fact. This government doesn't like debate, especially due to the fact they're in a great hurry. They have a tendency to be always reckless, always going down the highway at 150 kilometres an hour, stopping for nobody. This is another example, never mind the bill itself, of another motion to stop debate.

As you know, the Provincial Auditor yesterday talked about the recklessness of this government, talked about how reckless this government was in managing a very essential service like ambulances. People in this province are now in some cases waiting 45 minutes for an ambulance. That is no longer an ambulance.

1620

Mr Gill: Bill 139, please.

Mr Colle: We're talking about the motion to invoke closure by your government. That's what it's all about, invoking closure. I'm talking about your reckless haste to invoke closure and stop debate, and I have the right to debate that. Are you denying me the right to debate that? Would you stand up and deny me the right to debate? Is that what you're trying to do? Do you want to stand up and I'll let you speak to deny my right to debate? Is that

what the member is saying, that he doesn't want me to speak to the bill?

If they think democracy's a tantrum, if they think democracy is not something to feel emotional or strongly about, I feel very strongly about the right that many people in Ontario have given us in this Legislature to debate bills. This government feels they have the right to deny the debating of bills. Here is a bill which, again, is rushed through, closure is invoked. They pretend that this is just an innocuous little bill that changes some rules, and in fact they even have the gall to call this improving workplace democracy.

I tell the people of Ontario that they should stop to reflect about how reckless this government is. Even the Provincial Auditor said that when you're reckless and you rush ahead, you sometimes do irreparable damage to the people of this province. The Provincial Auditor was unequivocal in saying they are doing irrevocable damage to the health care system of this province.

I know that in my own community they have closed 10 hospitals and six emergency departments. They close in the middle of the night. Then they wonder why there isn't emergency care. Without public notice, they closed these hospitals in the middle of the night. They left people stranded in hallways. They're still stranded in hallways in our emergency departments because they had this reckless approach to what they called "hospital restructuring."

They went through our hospitals like a bulldozer goes through a building. They didn't care who was in the building, they just bulldozed 10 of our hospitals here in Toronto and closed about another 30 hospitals in this province, in a reckless fashion. That's why you need debate in this House, to slow down, to get sober second opinions, to have the public engaged in the passage of laws.

The reason we're here is to allow the public of Ontario to understand the complexity of these bills so they can become part of this. This government thinks it's their God-given right basically to hand down legislation from some mountain. It isn't the Canadian way, to hand down legislation. The Canadian way, the Ontario way, traditionally is to have give and take, to inform the public, to engage the public in debate so that the public can see the impact of legislation on their lives, but this government has a pattern, over and over again, of invoking closure and shutting down debate.

What this government is intent on doing, it's very obvious, is there is a pattern here of essentially eroding the rights of workers in this province. They are obviously on one side and that is the employers' side, so they fear they have to do something to appease one side and not respect the other side.

I come from a riding where in 1960 there was a horrific, tragic accident because workers didn't have protection. In 1960, on March 17, five workers succumbed to an industrial construction accident because there were no safeguards, there were no proper ventilation systems, there were no first-aid attendants. Five young men died

in an underground tunnel in Hogg's Hollow on March 17, 1960.

This is the type of thing this government forgets. It forgets that the rights of workers have been built up over the decades to protect them from these accidents. These bills are an attempt to erode those rights. I will remind the public of Ontario that these rights and protections for workers did not come automatically. People gave their lives for these rights. In the case of the Hogg's Hollow disaster which occurred at Yonge and Wilson Avenue, five young men died because there was no workers' protection. But because of that disaster, we did achieve some breakthroughs. Protections were put in place, and people unionized and organized because of that disaster.

A lot of the legislation we have before us which this government is trying to repudiate and get rid of and alter and amend, is this government's attempt to forget the protections and deny the protections of those workers. This bill, although it's probably not caught the eye of the public, it certainly has caught the eye of the workers in this province. The public doesn't realize that these rights, once taken away, are very, very hard to regain.

I should mention again, in the Hogg's Hollow disaster these five young men were underground on Yonge Street building a tunnel to build the subway. They were doing a public service, working and sacrificing their lives. I will read these five young men's names to you so I will again remind this government that when you rush through things you forget the lessons that history teaches you. History teaches you that if you don't pay attention, you will make the same mistakes again.

The five young men who, while digging underground in horrible conditions, gave up their lives: Pasquale Allegranza, Gianbatista Carriglio and brothers Alessandro and Guido Mantella all gave up their lives in a simple attempt to do a day's work, and also Giovanni Fusillo, whose niece is fighting to remind people in Ontario. Grace Fusillo-Lombardi is trying to tell people, "Don't forget the rights you achieved through the sacrifices of the people who came before you and don't go along with these flavour-of-the-month pieces of legislation this government comes up with."

I tell the young people of this province, Mr Speaker. I know you do a lot of good work with young people out your way in beautiful Listowel. Young people should be reminded that they should learn history, that the rights of workers did not come automatically. They had to sacrifice. Some, as I said in the case of the Hogg's Hollow disaster, lost their lives. We cannot do our jobs as adults and legislators unless we remind the public, and especially the young, that many of these workers' rights were achieved at great risk and at great sacrifice. These five young men gave up their lives in that great tragedy.

I say to you who try to deny me the right to speak on this bill and don't want to debate the bill but to close it down, you may disagree, but how dare you try to stop me from speaking up on behalf of what I think is right for my residents and for the people of Ontario? How dare you try to deny me the right to speak?

Mr David Christopherson (Hamilton West): At the outset, let me say that I want to take up the minister's challenge. He said, "Somebody stand up in the opposition benches and tell me where these things are unfair and unreasonable," and he did his whole little entertaining routine, "and I will take a portion of those and then when half our time has gone by in the next rotation, my colleague Shelley Martel will pick up the other details and continue to take the minister up on his challenge."

First of all, let's remember where all this came from. This came from a news conference just a couple of weeks ago at the Toronto Convention Centre, at a private function where you had to be a paid delegate to attend and the minister was the invited guest. There were representatives of the Ontario federation and the construction industry waiting outside, who asked for an opportunity to at least stand at the back of the room and listen to the Minister of labour outline what his changes were going to be, given the fact that they were likely to have a significant impact on the members they represent. They were denied.

I got in, as the labour critic for the NDP. So did my colleague from Hamilton East, who was a freshly appointed labour critic for the Liberals. We were allowed to stand very nicely and politely at the back of the room and listen. But the labour people were not even let in the room.

Ms Shelley Martel (Nickel Belt): So much for workplace democracy.

Mr Christopherson: My colleague says, "So much for workplace democracy." Obviously, right at the get-go.

Then we go outside—it's not done yet, Speaker. We go outside the luncheon where the minister made his announcement—and by the way, it was all employers. The media reported labour lawyers were there. They were labour lawyers like Mulroney was a labour lawyer. They were not labour lawyers in the way most people think of labour lawyers when you say that. They interrupted the minister's speech a number of times with a very warm, enthusiastic round of applause and gave him a standing ovation at the end of it. Afterwards, outside in the scrum—and I was standing right there, not two feet from the minister—he was asked, "What in this bill is in here because labour asked for it?" The minister constantly talks about "fairness," "reasonableness," "balance" and "equality." When asked in the scrum how much in here represented what labour wanted, he said, "Nothing." When followed up with a question, "So you're saying, Minister, that everything in here is what the employers asked for," he said, "Yes."

1630

The reason I start there is because it's so relevant to where we are today in terms of the time allocation motion. The time allocation motion, as presented by the Minister of Labour, denies the entire population of Ontario any opportunity to say word one about this bill. Why? Because there are no public hearings. There are no committee hearings. None. That means the labour lead-

ers, the elected representatives in Ontario, were not consulted. The minister likes to say, "Yes, I talked to people." Well, I talked to some of those labour leaders and the best the minister can be referring to is offhanded conversations or snippets of these issues in the context of other discussions, but never—not once—did this minister say to the labour movement, "Here's what I'm proposing. Come in and give me your thoughts because I've done that with the employers. I at least want to give you the same opportunity to influence the kind of bill I might table as a result of what I'm told." That didn't happen. Not one representative of the hundreds of thousands of people who are affected by this bill was given an opportunity to say anything beforehand. They couldn't be in the room when he made the announcement, and they're not being allowed any opportunity during this parliamentary process to even have word one. And you want to talk to me about workplace democracy?

Let's get into some of the specifics. The minister uses much the same words for almost all his arguments, so they're interchangeable. He talked about the one-year ban. "Why is that so horrible that there be a one-year ban from an organizing drive if there's already been one?" Then he used the argument about how many months anyone is denied an opportunity to do a decent, so why should they be allowed to continue having organizing drives? I'm paraphrasing, but I think that's the essence. I see the minister basically acknowledging that's the core of his argument.

Let me say, first of all, that death by a thousand cuts is still death, and if you deal with all of those cuts in one lump sum, it's pretty easy to see what's happened to someone. There's a reason that expression has been given to us over time. But if you took each and every individual little cut, one thousand of them, it wouldn't seem like an awful lot. That's what's going on here. The minister is saying, "Well, there's nothing in here that's really overly dramatic. We're not lowering the boom. It's not that big an issue." Every one of these items is another one of those thousand cuts. Goodness knows, we've already seen how many of them—I could list the bills. I could use the balance of my time doing nothing but listing bills that this government has brought in that have taken on workers' rights and their rights vis-à-vis the collective bargaining process.

Right now, the law says that if union A comes in and attempts to organize and, for whatever reason, fails, and it may be something as simple as it's just not a good fit, that the union that made application maybe was attempting to branch into new areas, but the workers there didn't feel this union really had the expertise they wanted, it just wasn't the right fit, it doesn't mean they don't want a union. It just means they don't want that union. Under the existing law, before we get this thing jammed down our throats, that union is banned for a year. But union B, assuming those workers have already expressed that they want to join a union, at least there's an interest in that workplace, they now want to exercise their rights because

they said no to union A and they may very well want to say yes to union B.

Now, under Bill 139, that can't happen and here's where the worry is. We know there are American strike-breaker firms that are doing really well here in Canada since Mike Harris became the government. It's one of the growth industries they're probably so proud of. Of course what started that was your bringing in legislation that made scabs legal again, which my colleague is going to speak to in more detail. But that's why these firms are here. All they have to do now under Bill 139 is, you just have to arrange for some kind of a "sham," is the word I use, a "sham" employee association where if you get a small minority of the workers there who are adamant they don't want a union but they meet the legal requirements of an association or union, they make an attempt and of course it fails, which would be the intent, then every other union in the entire province is banned for a year from making application.

The minister across the way of course makes the mocking gestures that he does, trying to suggest this is really no big deal. Let me tell you, there are sharpies out there whose sole purpose is to find their way around laws like this, and those kinds of people and firms are growing and proliferating in your Ontario, in Mike Harris's Ontario, so don't tell me that can't happen. Money will take care of that. If it means an employer who is bound and determined they're not going to have a union, if it costs them some money to prevent any union under the law from coming into that workplace for one year, I've got to believe that's something you could market in this province.

There are two reasons why this is not fair, and it's not meant to be. No matter how much the Minister of Labour tries to spin it, the fact of the matter is that there are very good reasons why the law is the way it is and there are very good reasons why they're making these changes, and they are not in the best interests of workers, otherwise we'd be taking this bill out and prancing around the province if it's so good for workers. Why aren't we? Because he knows the avalanche of criticism he would receive, and he knows he can't get enough backbenchers together to sit on the committee and go out and take that kind of abuse. Under workplace democracy, they run roughshod through democracy.

Interjection.

Mr Christopherson: I see one of the other ministers hollering across the way. I'd like you to tell me what is democratic about a bill that affects people and no one who's affected by it had any opportunity for input at the beginning, at the middle or at the end of the process. How's that democratic? I didn't think so. Death by a thousand cuts, union-busting by stealth, call it whatever you want, but step by step that's what this is all about. Let me take another issue.

First contract: again, the minister used very similar "it's reasonable," "it's fair" and "how can anybody across the way possibly be opposed?" the whole little routine he did on all the issues. Again, as a stand-alone

item is it the end of the world? No, but it's definitely movement in the same direction that you started since 1995 and it's union-busting by stealth, one step at a time.

Now what does this say? This says that the separation of a strike vote versus acceptance or denial of a contract will now be two separate votes, and of course he says, "What's unfair about that? You've got one vote for this and one vote for that." But the key here is in words that, if he didn't use them, his parliamentary assistant certainly did, where they talked about "the maturity of the negotiators." These are, by their own admission, government members. These are, as a rule, workers who haven't belonged to a union before; they're green. They don't understand the terminology. In a lot of places, for many of them English is not their first language. They are at a very distinct disadvantage. On that much we probably agree. Where we part ways is that the minister is saying that this lack of experience in negotiating means the separation of the vote is better for them. I argue the opposite, because let's remember the importance of the first contract. A lot of people are scared. They're worried that they are going to lose their job.

1640

Ms Martel: They took a big risk to join the union.

Mr Christopherson: My colleague reminds me they took a big risk to join a union.

Hon Mr Stockwell: They're worried about going on strike.

Mr Christopherson: They're worried about going on strike. Fair enough. They're worried about saying yes or no to a contract. They're not 100% sure.

Now, if they're offered an opportunity—and let's remember that the regulations and laws that used to be in place to stop and prohibit employers from intimidating workers and affecting what they do and what they say have been watered down under another one of their previous bills. So we've probably got some coercion going on in the background, because the threat of getting caught is less and if they do get caught the penalties aren't as strong. It used to be that there could be a collective agreement imposed if the employer was found to be putting pressure on or coercing or intimidating their employees as to whether they should join a union or support a contract. That's gone. So in the background in a lot of these places we're going to have employers who are intimidating their workers, and for all the reasons I've said above, a lot of them will be susceptible to the argument, "Vote no on the contract and vote no on strike."

That effectively squashes anything the union can do. How do you go in and negotiate an improvement to an offer that's been turned down when by the same token the membership, without fully understanding the implications for the same reasons we've already articulated, do not understand fully that what it means is, without a strike vote, you've got nothing to bargain with? You've got nothing to bargain with. You've got cap in hand, down on bended knee, "Please, sir, more porridge."

Hon Mr Stockwell: They're not smart enough?

Mr Christopherson: You made the argument, Minister, that the maturity of the negotiators—

Hon Mr Stockwell: I said they were smart enough to vote. You don't think they are.

Mr Christopherson: You see, Minister, that's the difference between us.

Interjection.

Mr Christopherson: Absolutely. Let's move on to the third item, because you asked for—and if you want to listen, I will respond to the minister's challenge; I'm trying to, over the heckling of at least two ministers—three, I guess. Want to get some more? I've given you what I believe is the ulterior motive here under that clause. Obviously you don't agree, but I do believe that's what's going on.

Third, what I'm going to lead to is the fair wage policy, but there's the whole issue about school boards and municipalities—and I've only got a couple of minutes on this—no longer being required to either go to union shops or, in the place of that, have a fair wage agreement, which we have in the city of Hamilton. All that says is that if you're going to bid, you don't have to be union, you don't have to be non-union, but no one can come in with a bid that undermines the standard benefits and wages across the industry in the community. That's fair, because if you've got electricians who have exercised their democratic right to join a union, to bargain, and they've got increased benefits and increased levels of wages because of the work and the productivity and the profits they've been a part of creating, then they're obviously going to be higher than someone who hires a non-experienced tradesperson. So when the bids come in, who's going to get it 10 times out of 10? The non-union.

At this point, the government doesn't have a problem with that. They just stand back and say, "That's just the way the system works. The lowest bidder gets it all." What it means for workers, however, and let's keep in mind that you didn't even have the decency to ask them their opinion and you're not asking their opinion today, is that the workers involved in this are either going to be denied work because they have a union card, because the bidding will be higher in the absence of a fair wage policy, or they're going to be exploited or people will be hired only based on who will work for the least amount of money. Because if you're an electrician or a bricklayer and you'll work for less than anybody else, then I can make a bid that's obviously going to win. At the end of the day, your little system wins and that contractor may win, but the workers—the electricians and the bricklayers and the sheet metal workers and the carpenters—lose, and their families lose, and when their families lose, our community loses.

That's what you do with this bill. That's the impact, and that's me responding to the minister's challenge to talk about why these changes hurt workers. You know they hurt workers. It's by design and it's yet one more step in your constant attack on workers and their right to exercise their democratic rights through a union.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate with respect to Bill 139. There has been a lot said about this bill. From a practical standpoint, I certainly think the listening public have an appreciation of this bill—if they've listened to the government side, of course—because we're dealing with facts.

Dealing with the labour relations aspect of it, Ministers of Labour have a daunting task, as everybody knows, in terms of dealing with the mandate that has been put upon them with respect to labour relations in this province. It's not an easy task to balance all the interests of all the players. The players are the employees who work in the workplaces, whether they're unionized or non-unionized in this province; you have employers; and you have the unions, wherever they're organized.

This bill deals with a lot of aspects of labour relations. It deals with where unionized labour can be used in construction projects, it deals with the decertification process, and there are a lot of aspects of fairness in labour relations that it covers off.

Dealing with strikes and lockouts is an area. We had an example yesterday in terms of the ministry's involvement in bringing labour peace and balance into the workplace. The Hamilton-Wentworth school board legislation that was passed yesterday is an example of the role that the Ministry of Labour plays. I think what is missing here is an understanding of the role of the Ministry of Labour. It's not there for unions, as the opposition party and the NDP would have you believe, that the Labour Relations Act or the Ministry of Labour is solely there to serve the rights and interests of unions. It's not. It's there to serve everybody in this province, be it a worker, non-union or union, be it a trade union or be it an employer.

We know there are different views on the back-to-work legislation. Certainly what we had was a 26-day walkout. The Education Relations Commission took a very firm view that the school year for that particular school board, the Hamilton-Wentworth District School Board, dealing with the elementary teachers, was at risk. It was interesting yesterday in terms of the perspective that's taken on labour relations in this province. The government went forward with a piece of back-to-work legislation for the school board which had been supported by both parties opposite, but when it came to vote, they didn't stand up and support education continuing in this province. What they did was basically flip-flop on their position, and I think the public should know the extent of the flip-flop.

The Leader of the Opposition had put forth legislation called Bill 14, An Act to amend the School Boards and Teachers Collective Negotiations Act, which received first reading on April 23, 1992. Everybody here knows that the legislation brought forth by this government took the labour relations for the education sector out of the School Boards and Teachers Collective Negotiations Act and into the Labour Relations Act—that's why the minister came forth with legislation yesterday—and

some aspects of the relationships covered under the Education Act.

1650

But the Leader of the Opposition, back in 1992—this is very interesting—put forth a bill to prohibit a strike from commencing after the 31st day of October in the year in which the collective agreement expires. He also came forth a little bit stronger. He said, "The bill prohibits a strike or lockout from lasting more than 20 school days and deems the board and the branch affiliate to have agreed to refer any matters remaining in dispute between them at the end of the 20 school days to a selector for determination as set out in the act."

Now, what we had yesterday was the Minister of Labour taking the position of back-to-work legislation after 26 school days, the Education Relations Commission having indicated that the school year was in jeopardy, and the opposition party and the NDP voting against this: the flip-flop. But the threshold in their own leader's proposed legislation, in a private member's bill back in 1992, was far exceeded when the Minister of Labour put this legislation for back to work, and with a situation in November of a school year in jeopardy. So the Minister of Labour basically implements what the Leader of the Opposition said would be good policy back in 1992, and that leader doesn't even support it. You talk about a massive flip-flop catering to unions, caving into teachers' unions. That's basically what happened yesterday.

They don't know where they stand on labour relations in this province. That's why the Minister of Labour is clearly putting forth a piece of legislation that is designed to balance all the interests of the parties, and the other side will say, "You have the audacity to include workers in that equation."

I'm going to conclude my remarks, because I know the member for Scarborough Centre is going to add a lot to this debate.

Mr Mario Sergio (York West): I will try and use my few minutes to just address a couple of the remarks that I wish to make on some of the points on the bill.

Two things: first of all, it is unfortunate that on such an important piece of legislation, the government has decided again to cut off the debate and ram it through. Again, they want to go ahead and bully another bill which is very, very important. Why it's so is that whatever progress has been made in the labour movement, within the labour force, within the strength of our economic situation, again, the government has seen fit to tip the balance of power completely toward one side only. What does this do? It leaves the workers in Ontario, especially the construction workers, without any protection whatsoever.

I have to say, and I'm glad the Minister of Labour is in the House, that in a perfect world, this bill would have done ominous sense. In a world in which we would have seen every employer provide respect, protection, safety, a good, paying job, it would make sense, but we have to think that there are still conditions out there that are not

so attractive for our construction workers. I wonder if the minister has had a chance to spend half a day or one hour on a construction site. I wonder, because if he did, he would see that when construction workers leave home to go to work, they don't know if they're going to come back alive or with some injuries. There must be a reason if 250% more accidents are happening on non-unionized sites. There must be a reason this is happening. Do you know why? It is because those infrastructures must be in place, those standards, those safety conditions that say to workers, "It's safe to go and work in there," or, "If you want to work, you've got to wear a hard hat."

What about benefits? What about pay conditions? Of course, if we were to take everything into consideration and say, "You know what? We don't need any unions whatsoever because the employment conditions are so good out there, the employers are all perfect"—but they are not. So why would the government, in the situation we are in today where the economy is booming, need this piece of legislation to create turmoil, where it didn't exist and where it's not needed?

I would invite the Minister of Labour to travel north of Steeles Avenue, north of Highway 7, and see the construction, especially the residential portion, booming. Do you know what, Mr Minister? You and your government are opening up a can of worms, and in the future, you are going to create a very serious, terrible situation for the construction industry and the workers in Ontario.

Hon Mr Stockwell: What are you opposed to in the bill?

Mr Sergio: We are opposed to the bill, and I think the minister should know. I think he knows more than that.

They have two bills, actually. On the one we are debating today, Bill 139, they said, "We are invoking closure. That's it. No more debate. We're going to do it." The other one is still to come. It's Bill 69, which also deals with employment standards and conditions, stuff like that. I won't dwell on that, because I hope to get another chance to speak on Bill 69. But let me say that the two are so related that I think they should have put them together, because they want to get rid of two things: the unions and whatever protection we have now for workers in Ontario.

Don't tell me, Minister, that it's not so, because it's your own bill. It is your own bill.

Hon Mr Stockwell: I don't know what to tell you.

Mr Sergio: If it is not so, I challenge the minister and the Premier and the government side to allow public hearings and hear directly from the workers in the province.

Hon Mr Stockwell: On a point of order, Mr Speaker: I ask for unanimous consent to find somebody to read the bill to him.

The Acting Speaker (Mr Tony Martin): Agreed? No. The member for York West.

Mr Sergio: That shows the arrogance, not only of this minister, of the Premier, that he has allowed this minister, this member, to bring this bill into the House without public debate. I think it is an affront, the ultimate affront

to the construction workers in the province of Ontario, to have the gall to say, "Have you read the bills?"

I'll tell you what: You pull back closure, allow us enough debate, and I will give to you clause-by-clause. They won't do that. Do you know why? This shows you the respect that they have for the workers of Ontario. Isn't that nice?

I wonder what they're going to say when one worker comes home who has been injured—the pain, not only to himself, but to his mother or his wife or his children. God forbid we will have another accident. Is it really worth it?

1700

I would ask the minister. It is his fault since he has introduced this particular bill which takes away every right for which the workers have fought over the last 40 years. What is the cost of pain? What is the cost of injuries? We are sending, on a daily basis, injured workers a lot of tribulation; appeals, counter appeals, tribunals. At the end, who is responsible when somebody gets injured? They should be responsible. According to the minister, they don't give a darn because they only want to listen to what the big employers are saying. It is totally unfair.

If the minister cares so much, pull back this bill, bring it into the open, allow the workers and the unions—be fair, be balanced—the opportunity to tell the minister, to tell the government, to tell us what's in the bill, what they want and what you're proposing. Then bring it back here to this House. The minister and the Premier are refusing to listen to the workers of Ontario. It is a shame, because this shows the arrogance of this government when they say, "We are going to do it. We do what we want. We don't care about the consequences." How unfair.

Would I be able to look a mother or a wife in her eyes when an accident has happened on the job site because of the deregulation of this particular government? It is totally unfair. It is totally unacceptable.

I do hope that on the next bill they will do the right thing and bring it to public hearings so we can have a fair discussion, since on this bill, as it has been introduced, there has not even been consultation with those labour forces.

It is unfair for the minister to come into the House today and say, "What's in the bill?" The workers out there know what's in the bill. That's the most important thing. Let me tell you, there is nothing that offers them protection, that offers them fairness, that gives them equity on the job site.

I hope the minister will reconsider and make it fair for the people who really provide our economic situation today, the economic situation that they are enjoying today. If it weren't for those workers, we wouldn't have the economic situation we have today. Why would we have a minister, a government, that would create this chaos instead of bringing harmony? Why would they do that at this particular time when we are enjoying monetary prosperity, harmony? You know what? They enjoy creating crises. This is one crisis that is going to be there for many years to come. Unfortunately, workers are paying the price. This government hopefully will be paying the price

as well. I do thank you for the time that I have been allotted.

Ms Martel: We are here today again shutting down debate on an important issue. It must be Wednesday because just about every Wednesday you and I are here doing the same thing; that is, trying to ask this government why it is that on a bill that has important ramifications, in this case, for workers in the province—one week it was probably health care; the week after that it was probably education—the government doesn't want to hear what elected representatives have to say about this bill? It is clear they don't. The time allocation here today shuts this all down.

It is also clear that not only do they not want to hear from elected representatives, but they don't want to hear from the public about this bill. As has been clearly articulated in the time allocation motion, there will be no public hearings with respect to the bill, despite the demonstration we had in the gallery yesterday from numbers of construction workers—

Hon Mr Stockwell: On a point of order, Mr Speaker: I'm having trouble hearing. Would it take unanimous consent for her to move to the next seat to speak?

The Acting Speaker: Agreed.

Ms Martel: Thanks, Minister. I won't start again from the top, Speaker.

It's also clear the government is not very interested in having the public have its say, because despite a demonstration that occurred here in the gallery yesterday, from a number of construction workers in this province who are immediately impacted by this bill, the government allows no room for public debate in the time allocation motion.

The motion clearly states, "That the standing committee on justice and social policy shall be authorized to meet during its regularly scheduled meeting times on one day for clause-by-clause consideration"—no public hearings, no input from the public, no input from the people who are directly affected and impacted by this bill, but just a move to clause-by-clause so we don't have to hear from people about how this is going to impact them and how concerned they are about it.

I suppose we shouldn't be surprised that we're not going to have any public debate, because the Minister of Labour has made it abundantly clear from the beginning of this bill that this is all about a payback for his employer and corporate friends. This bill has nothing to do with hearing from workers about how they may be impacted. It certainly has nothing to do with increasing their rights. This bill is all about how we pay back all those employers in the province, particularly those from the construction trades, for the enormous amounts of contributions they have made; in the construction trade in the order of \$12 million.

I think that's even more clearly noted if you go to the government press release on the day the government introduced the bill. It's interesting that while the bill talks about fulfilling the government's commitment to workplace democracy, the only people who are quoted outside

of the minister are three employer representatives. We've got no word here from trade union leaders who represent many of the members who are being affected. Frankly, they were barred from the meeting where the minister made his announcement about his proposed changes. They weren't allowed to participate. They weren't allowed to attend. The minister said very clearly, "There is nothing for labour in this bill. It's all about how I pay back some of my corporate friends for their contributions."

The minister asked us to tell him what we're opposed to. My colleague from Hamilton West clearly articulated three of the sections of the bill we are opposed to and I'm going to deal with two more. The first is the new section 63, which deals with the posting of the decertification documents. Under the bill, the minister is now going to be obliged to produce and publish a document that outlines how members of a union can decertify from that union. The minister is further obliged under the bill to change that document any time there is a change to the Ontario Labour Relations Act or its regulations or when there is a change that comes from the Ontario Labour Relations Board that might impact upon trade union certification. The minister is obliged to prepare this document within one year of this bill passing.

The employer, under this bill, now has a number of new obligations. An employer who represents, say, workers in a trade union now has an obligation "to post and keep posted a copy of a document published"—that is, the decertification document—in the workplace "in a conspicuous place" where employees work on behalf of that employer.

The employer is also obliged, under clause (b), "to post and keep posted with that copy" of how to decertify from the union "a notice that any employee represented by the trade union may request a copy of" that same document. Clause (c) says that "once in each calendar year" that employer also has "to provide a copy of the document to all employees ... who are represented by the trade union." Again, that's the decertification document. Finally, under clause (d), "upon the request of an employee of the employer who is represented by the trade union," that employer has "to provide a copy of the document" again even if the employee has got his annual copy.

These are all the obligations that an employer in a unionized shop has to undertake with respect to the rules around decertification from that same union.

If the minister, as he has been wont to do during this debate, wants to talk about workplace democracy, fairness and equity, then surely an employer in a non-unionized workplace would be obliged to post rules around certification, so that employees in that non-unionized workplace would know what their rights are and would know how they can go about certification so they can come under the protection of a trade union.

1710

If the minister were interested in fairness and balance, surely he would do that in non-unionized workplaces.

and surely the legislation would be printed so that there would be a similar obligation on the employer to do the same. So I searched high and low through all the provisions of Bill 139, looking to see where this might be, because of course if the minister's concerned about fairness and justice he would have done that, wouldn't he? Guess what? Nowhere in this bill is the employer in a non-unionized shop obliged to post the rules about how to get certified.

There is no obligation for an employer to post in a conspicuous place in the workplace the rules about how to join a union. There is no obligation on the part of the employer in that non-unionized workplace to post a notice informing the employees that they are entitled to have a copy of the rules about how to join a trade union. Nowhere in this bill is the employer obliged to send to each of his or her employees those rules about how to become certified with a trade union. Finally, nowhere does it say that even if that employee has received that annual notification of how to join a trade union, the employer would still provide, upon request by the employee, another copy of the same.

Why am I opposed? Because it's very clear that this bill has everything to do with how to get people to decertify, how to break the unions and has nothing to do with workplace democracy, because if the minister were truly interested in workplace democracy, he would have a similar obligation on employers in non-unionized shops, and that obligation would be to post the rules about how people can form trade unions. It's not in this bill and the reason it's not is because this bill caters to all of the government's corporate and business friends and the government is not interested in having fairness in the workplace, certainly isn't interested in seeing more people form a trade union.

This leads to my second concern with the bill, and that has to do with the change in the bill that extends the time period for decertification of a union from 60 days to 90 days at the end of a three-year collective agreement.

I'm really concerned about this because of the opportunity it provides to an employer to intimidate and coerce employees in that workplace. I go at it this way: most people don't join a trade union if there's nothing wrong in their workplace. They're not motivated to do so. If they've got good health and safety, good wages, good working conditions, they have no reason to want to form a trade union. People form trade unions, they form an association with each other and they look for protections because something is going wrong in that workplace. It's usually something that has to do with the health and safety conditions or the lack of them, or the employer trying to get out from under his obligations with respect to health and safety, or there's a problem around working hours, a problem around pay, a problem around benefits, or lack of all those things. That's why people join trade unions.

In Mike Harris's Ontario, people have to think even further now about joining a union, have to take that more seriously, because of the changes the government made

at the Ontario Labour Relations Board, where you now can't get an expedited, fair hearing if you believe you have been fired because you've been part of a movement to try and have a union in your workplace.

People only have to look to the experience of 10 electricians at Drycore who have no doubt been fired because they were part of a movement to join a trade union, to form a trade union in that workplace. They're going to wait a full year, because of changes this government made, to try and get a hearing before the OLRB, to try and get their case heard and have some justice. People have to think long and hard now about joining a trade union. They don't do it for frivolous reasons.

What's going to happen under this section is this is going to allow that employer even more opportunity, more time to intimidate, to coerce, to put pressure on those employees to disband from the union, to try and decertify. It is happening in workplaces every day. I'll give you an example. It's a little bit different from the one employed in the bill, but the point is still the same.

CAW workers in my community started out to bargain with Falconbridge. The first thing Falconbridge said was, "We're going to shut down six years from now. We don't have enough ore left in the ground to operate past six years." That's where they started, in terms of the negotiations, to hang that threat over the heads of their employees when they might come to talk about pensions or wages.

Do you know what? That's the same thing Falconbridge has been saying since I've been elected. The first meeting I, and the other MPPs in the area, had with Falconbridge when I was elected in September 1987, Falconbridge was saying, "We've got six more years and that's it." So every time there's a contract negotiation Falconbridge hauls out that bit of garbage and tells all of their workers at the table, through their negotiating team, that they only have six more years left, "So don't ask for too much or maybe we'll be out of here even sooner." Regrettably, there are other employers like Falconbridge that use the same kind of tactics, the same kind of schemes, the same kind of pressure, to coerce and intimidate employees. By making the change that the government wants to, we're going to allow those employers—not all of them, but some of those less reputable employers—that don't want the union, never wanted it in the first place, to have an even longer period of time to have a go at their employees, to tell them that they're not going to get another contract in the workplace, they're going to lose their jobs if they continue to be part of a union and enjoy some of those benefits. That's why I'm opposed to that section too.

Between the two of us, my colleague from Hamilton West and I have now articulated at least five areas in the bill that we are opposed to. I think our concerns are legitimate, because I think, regrettably, especially under the labour changes that have been made by this government, more and more workers and workplaces in this province are facing intimidation and coercion and threats. And with this bill this is doing everything it can to make

sure that those same employees don't have an opportunity to form a union, or that if they have one it becomes that much more difficult for them to retain that union.

I go back again to the fact of the great hypocrisy in the government's scheme that's put before us: on the one hand, forcing an employer in a unionized shop to post rules for decertification, but on the other hand, no obligation whatsoever for an employer in a non-unionized shop to post rules regarding certification. What a contradiction. What hypocrisy. How more clearly does it get to show that this government is only interested in union-busting, not in ensuring that people continue to have a legitimate right to associate, have a legitimate right to have a union to protect them?

In the final moments I want to say this to the minister: if he wanted to do something to protect people he would ban scab labour in this province. Today is day 114 since workers from Mine Mill/CAW in my riding have been on strike against Falconbridge—day 114. Why? Because from day one, Falconbridge was allowed to bring in scab labour, and that's exactly what they did. As a result of bringing in scab labour, they've been able to continue production at the smelter, meet some of their contracts and continue to make some money, albeit not as much as they were making before. If you want to do something, you should ban scabs in this province again.

Mr Doug Galt (Northumberland): I'm pleased to rise on this time allocation motion. I'm particularly pleased to be able to follow the member for Nickel Belt, who at the beginning of her speech was talking about time allocation, how terrible it was that it was bringing it to a close. I'm rather surprised that a member of the cabinet of the NDP government would be on to a topic such as this when they had such a terrible track record in the quantity of time that was spent discussing various bills. I thought she wouldn't have even mentioned it, would be embarrassed to bring it up. I look at the record—I have the facts here—and in this particular bill we've had three sessional days, over seven hours, and then again today it will be two-plus hours. So when we get finished it will be well in excess of 10 hours of debate on this particular bill on second reading.

1720

Let's have a look at what had been going on over previous governments. In the 35th Parliament, Mr Speaker, which I'm sure you will remember, the NDP government spent one hour and 28 minutes, on average, on second reading in the first session. That's something like a fifth of the time that's being spent on this particular bill. And she has the audacity to stand up here and criticize us for a time allocation motion. In all fairness, they did improve in the second session. They got all the way up to three hours and 55 minutes. That was second reading during their second session, but still an awful long way from 10 hours.

If you look at our government in the 36th Parliament, we averaged four hours and 50 minutes on second readings in our first session, and in the second session six

hours and 10 minutes, considerably more than did her government.

Then, if you look at the Liberals, if you want to feel comfortable as the NDP, in the 34th Parliament, the first session, one hour and eight minutes was the average. That was the average. In the second session they got all the way up to an hour and 38 minutes.

Mr John Gerretsen (Kingston and the Islands): Everybody agreed to those bills. Those was no closure.

Mr Galt: I hear them across the House here yipping away. The member for Kingston and the Islands says there was a lot of agreement. We had an opposition then that recognized good things in a bill.

Here we were yesterday on time allocation, wasting time. We spent two days debating something where we knew what the conclusion was going to be—agreed by all parties, except for one individual who held it up and kept kids out of school for another two, three, four days, totally unnecessarily—the member for Niagara Centre, the only one who said no. All his seatmates wanted to get on with it. But, lo and behold, after two days of debate the Liberals voted against it, the NDP voted against it. Why?

Mr Gerretsen: Speak to the bill.

Mr Galt: I'm talking about the bill and time allocation and wasting of time. That's exactly what was going on here for two days. We could have used those two days and debated something like this and this bill. No, they wanted to do the back-to-work legislation for the teachers so that some 40,000 students would have an opportunity to go back to school.

I think it's interesting if you look at Dalton McGuinty's Bill 14. He once would have limited teachers' strikes through legislation. Well, golly. Just a couple of quotes from the Hansard: on May 7 this is what your leader had to say: "I don't think there's anybody in this House who would not argue that our future, the future of this province, lies in our youth. Surely we have every responsibility to address a problem whereby we are keeping our students out of school." Then he went on to say, "It is my distinct impression that it is not in the public interest for this province to hold 50,000 of our students outside class as a result of a dispute between other parties." We're talking about union strikes, and that's dead on the topic of what we're dealing with here.

Mr McGuinty, leader of the official opposition and the Liberals, in the Ottawa Citizen on April 24: "Somewhere along the line, in attempting to ensure that teachers and boards have full rights to negotiate wages and benefits, the system has failed the very group for whose best interests our education system has supposedly been created." Talk about a flip-flop. We have seen so many flip-flops. We are assured in this House that if the leader of the official opposition takes a stand today, next week it will be the opposite stand. It has been so consistent: the consistency of the Liberals' inconsistency is absolutely phenomenal.

A colleague of mine was telling me about a very strong unionist who came into their riding office. He did

not want to have his name used, or even the riding office he came to, and I can understand why: because of the retribution that might occur. But he was very anxious that this bill go through.

Page 14—and this is one we missed a little while ago, because we are up around page 40 in the Blueprint now. Back on page 14, the bottom half—“Expanding Workers’ Rights.” That’s what we campaigned on, that’s what we won on, and now we’re bringing it in. Doing what we said we’d do is the hallmark is this government. Lo and behold, here we are: “We’ve already boosted workplace democracy by giving workers secret ballot votes on certifying and decertifying unions.” I thought that would have been there a long time ago. “We’ll strengthen the right of workers to decide, by secret ballot vote, whether they want to continue to be represented by a union. We’ll also require that ballot questions be clear and easily understood.” Even Mr Ryan ran and lost, but this came through and the member in that riding won. “We’ll give workers and employers more flexibility in designing work arrangements to meet their needs....” It goes on to say, “We’ll create a ‘sunshine law’ for union bosses requiring top executives to disclose their salaries, benefits and expenses to the union members.”

That indeed is accountability. We’ve brought in accountability for those who are paid from the public purse who make over \$100,000. I didn’t see any problem with that. I know the opposition voted against it, but they would of course vote against any responsible bill we might bring in to bring accountability to this House and to the province of Ontario. They voted against accountability in education, accountability for teachers, accountability for security, and accountability in the operation of this Legislature. It’s quite disappointing that they consistently oppose that kind of thing, but then I was telling you about Dalton McGuinty and his bill and the flip-flop—the clearest flip-flop I’ve ever seen. Sometimes they’re able to hide it, but on this particular occasion it’s just over and over again, in Hansard and the Ottawa Citizen.

It would be so good in this Legislature if we could operate and have some idea where the Liberals were going to be coming from next, but lo and behold, that certainly isn’t possible. I feel sorry for the members opposite who are sitting here today. I don’t know when they make up their minds, or if they do, or if it’s just Dalton who makes up his mind to tell them what to do, and obviously they’re pretty obedient. But I’m certainly proud to say that, unlike previous governments, we’re not just eddying and enjoying our prosperity. We’re working to strengthen workers’ rights, increase democracy in the workplace and enhance investment.

Like our first Prime Minister, who encouraged his associates to look ahead for Canada, we’re making significant changes that look ahead for the future of Ontario. This bill, along with many other policies, will contribute to the stimulation of the economic growth and ensure our prosperity continues for years to come.

The Acting Speaker: I just wanted to let the House know that there are a couple of visitors in the gallery: John and Frieda Jansen-In-Del-Wal, Marilyn Shaver, and Bill and Patricia Klaas, who are here with the head-injured association to speak to the members of Parliament. Welcome to the House.

Further debate?

Mr Phillips: Before I begin my remarks, a member of the Conservative Party indicated earlier today in his remarks that the teachers’ dispute in Hamilton-Wentworth went on for 26 days. I believe it’s 16 days. We asked the member if he would correct the record, but Mr Tascona refused, so I wanted to indicate to the people of Ontario it was 16 days.

I want to begin my remarks on the closure motion on Bill 139 by saying that this is quite typical of the Harris government. They will take an area of our society that is working well and decide they are going to get their hands on it to put the Mike Harris stamp of incompetence on it.

Interjection: Just like education.

Mr Phillips: Education and health. For the public, I will just say that here is a government document that outlines for businesses why they should invest in Ontario. I gather it’s a document the government prints, so I gather the government believes this. I gather this is what they are telling businesses in terms of why they should come to Ontario, and I gather this reflects the beliefs of Mike Harris.

Here is what he says about the labour-management environment here in Ontario: “The labour-management legal framework is streamlined and balanced.” This is what Mike Harris says. He goes on to say, “Labour-management relations are constructive and stable. Bargaining is rooted in realism and a clear understanding of the competitive nature of the global economy.”

This document talks at length about the healthy labour relations environment here in the province of Ontario. Indeed, Ontario’s economy has been driven over the last few years by our ability to attract industry to locate here to compete with the US. Our auto sector, as you know, Mr Speaker, and as the members know, is very much attracted to investing in Ontario. First and foremost, it is because of the quality of the workforce and the labour relations.

1730

I say to Ontarians, that’s not the opposition, not the NDP or the Liberals saying this; it is the government’s own document saying, “Come to Ontario. There is a”—I use the word carefully—“balanced framework.” So you would expect that if we are being asked to amend the Labour Relations Act, it would be to in some way keep the balance. The Minister of Labour has the responsibility to set the framework for balanced labour relations. That’s his responsibility. He’s not the minister for unions; he’s not the minister for employers; he’s the labour minister to set the framework.

I would say to him that there is nothing in this bill, not one single thing in this bill, that represents something our

organized employees in this province have requested and believe is an advance for them. Every single thing—

Hon Mr Stockwell: Wrong.

Mr Phillips: The Minister of Labour says, "Wrong." When he has his remarks later in this debate, he can tell me where I'm wrong. He has a chance to make those remarks later on. Here in the bill, there is not one single advance for organized labour.

You can understand their anger. They say, "Listen, I understand if you want to update the Labour Relations Act. We understand that. But if the current labour relations environment is balanced, tell us why you are going to introduce a bill that is win-win-win-win-win for the employers and nothing for the employees."

Mr Gerretsen: He admitted that.

Mr Phillips: My colleague said he admitted it. He may like, in his closing remarks, to indicate where there are wins for labour.

The reason this debate is timely is that it was just yesterday that the Provincial Auditor in his report—he had a press conference afterwards, and the media will confirm this. The auditor was unusually candid. He is always straightforward, but does his best to avoid getting embroiled in any hint of a political environment. He was candid in saying, "Listen, this is a government that does not take the advice of its bureaucracy which says, 'Let's try and do these things with pilot studies and small steps forward.'" He says they ignore that advice and simply implement broad-scale change against the advice of the bureaucracy. That's what the independent Provincial Auditor said.

He went on, by the way, to say that this interest in privatizing things—he said he recently participated in a conference on private-public sector partnerships from around North America. Government and industry representatives came together to talk about this rush to privatize. Here's what the auditor said yesterday: "Without exception, when you talk to the public jurisdictions that have moved to privatize, they have said that if they could back the clock up, they would not go as fast and as far as they went." He said that was without exception.

We know what Harris is all about, and that is privatizing. There's absolutely nothing wrong with the private sector, but there are many things our public sector can do as well as or better than the private sector.

Last year he pointed out the extra costs the taxpayers are paying because we privatized plowing our roads. He pointed out in this report that because of ideology we have downloaded ambulances onto municipalities and he said the service is getting worse and the costs are going up and it is a mistake. He said that rather than have a seamless ambulance service, we've now got one that cannot go beyond the borders.

He pointed out, by the way, that in the rush to privatize jails, the correctional services is a mess. There was a huge jail being built in Barrie without even a business plan.

The reason I mention these is that here we have the government in the one area of Ontario that has been

functioning well—the economy has been doing very well, thank goodness. I would say without fear of contradiction that every major economist would tell you that the number one reason is because of the driving force of the US. Ten years ago in Ontario, exports to the United States represented roughly 28% of our gross domestic product; today it's 56%. It's gone from 28% of our gross domestic product to 56%. Why? Because we can compete with the US and the government itself says that's heavily because of the labour relations environment, the skilled work force we have and the work environment.

Here we are, Premier Harris has taken a good health care system and it is now in some shambles. He's taken a good environmental environment in Ontario and we've seen the results of that. Without a doubt in our education system, I don't think I've ever—in fact I know this for a fact—I have never seen our teachers in a more demoralized state than they are today.

Education is the one that perhaps irritates me the most because what will make education work well is a motivated teacher in front of a group of students. Education is very simple. It hasn't changed in a thousand years, and that is, you get a qualified, competent, motivated teacher in front of a group of students and that's education. That's the magic of it. Why you would ever take the most important part of successful education, and that is a motivated teacher, and demotivate them is a gross mistake. Any successful business person would say, "Listen, you are undermining the very core of your business." All of us have been in schools recently. You have clearly demoralized the most important part of education, and for what? Just so Mike Harris can win an election? Just so he can get control of it?

The reason I raise this is, systematically, the health care system, our environment, our education system and now you're choosing to let Mike Harris get in and mess up our labour relations system. Surely the last thing Ontario wants to do is let Mike Harris get his hands on another important part of our successful society. So I go back. People say, "Don't we need to change the labour relations?" We need to constantly modernize it, but the government itself said that right now the climate is balanced. So this bill, any labour relations bill, should be balanced, and it's not balanced.

The province wrecker has now decided to turn his full attention to his next thing to wreck. He's done it to health care, he's done it to education, he's done it to the environment, and now, for whatever reason, he wants to get in and mess up labour relations. Why we would allow him to proceed with that is beyond me. Why we would let Harris do this is beyond me.

Mr Gerretsen: Let me just begin again at the point where my colleagues left off. In this latest government publication about doing business in Ontario, it states quite equivocally, and I quote—this is the government's own document, "The labour-management legal framework is streamlined and balanced. Labour-management relations are constructive and stable. Bargaining is rooted

in realism and a clear understanding of the competitive nature of the global economy." That is the government speaking.

1740

Why then would they bring in a law like this? First of all, at the minister's press conference he made it quite clear that all of the changes were made at the request of the employers and there was absolutely nothing in this bill that was going to benefit the employees of this province. You want some proof? I'll give you some proof.

What did the Labourers' International Union of North America have to say about this particular bill? It said, "Why would your government"—Minister, this is in a letter directly addressed to you—"introduce draconian, anti-labour, anti-worker legislation when Ontario is experiencing a highly buoyant construction industry in desperate need of skilled trained workers and a stable environment to bring all construction projects to fruition?" Why would you do that, Minister?

What did the Building and Construction Trades Council of Ontario have to say? Patrick Dillon, a man well known to all of us around this chamber, the business manager and secretary-treasurer of the trades council—and I'm sure the minister of higher education, of universities and colleges, would be interested in this as well—states in his letter—and this letter is only a week old, again to the minister—"I must be blunt with the minister."

Hon Mr Stockwell: Which minister?

Mr Gerretsen: To you. You're the minister. This is a letter you received seven days ago. You are the Honourable Chris Stockwell, are you not? He states:

"I must be blunt with the minister, in all my time in the construction industry, I have never seen the kind of resentment and anger directed at a government of any stripe as I witnessed last Friday.... I fear that these continued attacks on unions and working people will lead to instability in the workplace and will eventually wreak havoc on Ontario's booming economy. I would venture to say the labour relations climate in Ontario is at a critical juncture and in danger of erupting. These attacks on working people have to stop now!"

Why don't you stop it, Minister? Why don't you withdraw the bill and say it's been a mistake? I really do believe in a balanced approach and the approach we have right now is balanced, although you've done an awful lot to wreck that as well with Bill 7 some four or five years ago. Here are the people who will be directly affected by your bill, and they're saying what you're proposing here is draconian, anti-labour, anti-union, anti-everything.

The other point is that the minister wants to know, "What is wrong with the bill? Give me a couple of examples." I'll just give you one example, if none other, and it's been mentioned here once or twice before. Why would you require an employer to, in effect, have to post in his workplace how individuals who work for that employer in a unionized environment can decertify? If you want to be balanced about it, why wouldn't you require, in a non-unionized environment, the posting of a

notice as to how people get organized and how they get certified? If you want to be balanced about it, that to me is a balanced approach. There's absolutely nothing about that in this bill.

Minister, you said it so well yourself when you held that press conference when you announced this bill. You were asked a question as to how much is in this bill that employees want and how much is in this bill that employers want. You stated categorically that everything that's in the bill is what employers want. That is not a balanced approach. That is simply not a balanced approach. Let's take a look at some of the other provisions in this bill.

Interjections.

Mr Gerretsen: The minister is just squawking on and on. He knows we've hit a sore point. Even I believe that this minister, maybe in his deepest of deepest hearts, wants to do something in a balanced fashion, but he's not allowed to by the Premier. We know who calls the shots here. It's all the henchmen in the Premier's office who said, "We've got to reward the employers out there and we've got to bring in legislation that is anti-union." He has been the unfortunate victim who has had to bring this kind of legislation in to make it work.

The other issue that has been raised here as well—we know we're dealing with a time allocation motion, and I know that perhaps the people of Ontario don't really care all that much about it, but it means that there's closure, that once again this government has said, "No, there shall be no further debate on the bill. We're going to vote on it and, whether you like it or not, it's going to be the law of this province." But what's even worse than that is that there will not have been one day of public hearings on this bill. The individuals, the union leaders, the other people, the employers in the province—no person at all will have an opportunity to make any comments on the bill, to make any kind of representations before a committee of the House.

I am a great believer that when we get these representations during committee hearings we all can learn something from them, regardless of where we stand on these issues. There may even have been some amendments proposed by employers, by unions, by whatever individuals want to come before the committee, that would improve this bill, although we still believe fundamentally that the best thing this minister and this government could do is to withdraw this bill, because this bill speaks directly against the propaganda that the government itself is putting out when it tries to get investment and it tries to get people from outside of this country to invest in this country. They talk about the fact that we have a balanced approach to labour relations in this province. This bill, together with Bill 69, together with Bill 7, which was passed two or three years ago, and much of the other anti-union legislation that this government has passed, is anything but a balanced approach.

I implore the minister. It is not too late yet. Do the right thing. Withdraw the bill. Have some hearings on it so that we can find out how all Ontarians, whether

they're employees or employers, feel about this bill. Do the right thing. Withdraw the bill.

The Acting Speaker: Mr Stockwell has moved government notice of motion number 73. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a 10-minute bell.

The division bells rang from 1748 to 1758.

The Acting Speaker: All those in favour will stand one at a time and be recognized by the Clerk.

Ayes

Amott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Clement, Tony
Coburn, Brian
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Elliott, Brenda
Flaherty, Jim

Hardeman, Ernie
Harris, Michael D.
Hodgson, Chris
Hudak, Tim
Jackson, Cameron
Johns, Helen
Johnson, Bert
Klees, Frank
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.

Runciman, Robert W.
Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim

Galt, Doug
Gilchrist, Steve
Gill, Raminder
Guzzo, Garry J.

Munro, Julia
Mushinski, Marilyn
O'Toole, John
Ouellette, Jerry J.

Witmer, Elizabeth
Wood, Bob
Young, David

The Acting Speaker: Those opposed will stand one at a time and be recognized by the Clerk.

Nays

Bartolucci, Rick
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Caplan, David
Christopherson, David
Conway, Sean G.
Curling, Alvin

Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David
Marchese, Rosario

Martel, Shelley
McLeod, Lyn
McMeekin, Ted
Parsons, Ernie
Peters, Steve
Phillips, Gerry
Ruprecht, Tony
Sergio, Mario

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 50; the nays are 24.

The Acting Speaker: I declare the motion carried.

It being past 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

The House adjourned at 1800.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Marie (L)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton West / -Ouest	Christopherson, David (ND)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Beaches-East York	Lankin, Frances (ND)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguee aux Affaires des personnes âgées et à la Condition féminine
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton Centre / -Centre	Spina, Joseph (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
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Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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CONTENTS

Wednesday 22 November 2000

MEMBERS' STATEMENTS

Social assistance	
Mr Phillips	5677
Mr Martin	5677
Sid Horne	
Mr Galt	5677
Wearing of ribbons	
Mr Mazzilli	5678
Specialists' services	
Mrs Pupatello	5678
CPI Canada	
Mr Chudleigh	5678
Hazardous waste	
Ms Di Cocco	5678
Drinking and driving	
Mr O'Toole	5678
Eye care services	
Mr Bradley	5679
Home care	
Mr Beaubien	5679

FIRST READINGS

Municipality of Sioux Lookout Act, 2000, Bill Pr31, Mr Hampton	
Agreed to	5679

ORAL QUESTIONS

Environmental protection	
Mr McGuinty	5679
Mr Harris	5680, 5681, 5682
Mr Hampton	5681
Ms Churley	5682
Agricorp	
Mr McGuinty	5681, 5683
Mr Hardeman	5681, 5683
Ambulance services	
Mr Hampton	5682
Mr Harris	5682, 5683
Ms Lankin	5683
Highway 407	
Mr O'Toole	5683
Mr Turnbull	5684
Correctional services	
Mr Levac	5684
Mr Sampson	5684
Young offenders	
Mr Galt	5685
Mr Flaherty	5685
Forest management	
Mr Hampton	5685
Mr Harris	5685
Support for the disabled	
Mrs McLeod	5686
Mr Baird	5686

Federal health spending

Mr Young	5687
Mrs Witmer	5687

Fort Henry

Mr Gerretsen	5688
Mr Jackson	5688

Education labour dispute

Mr Clark	5688
Mrs Ecker	5688

PETITIONS

Property taxation

Mrs Bountrogianni	5689
-------------------------	------

Northern health travel grant

Ms Martel	5690
Mr Bartolucci	5690
Mr Martin	5690
Mr Brown	5691

Diabetes treatment

Mr Tascona	5690
------------------	------

Protection of minors

Ms Mushinski	5691
--------------------	------

Education reform

Mr Ruprecht	5691
-------------------	------

Highway safety

Mr O'Toole	5691
------------------	------

Government advertising

Mr Bradley	5692
------------------	------

GOVERNMENT MOTIONS

Time allocation, government notice of motion 73, Mr Sterling

Mr Stockwell	5692
Mrs Pupatello	5695
Mr Martin	5697
Mr Gill	5700
Mr Colle	5702
Mr Christopherson	5703
Mr Tascona	5706
Mr Sergio	5706
Ms Martel	5708
Mr Galt	5710
Mr Phillips	5711
Mr Gerretsen	5712
Agreed to	5714

OTHER BUSINESS

Visitors

Mr O'Toole	5679
------------------	------

Status of Bill 119

Mr Caplan	5689
-----------------	------

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First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 22 November 2000

Mercredi 22 novembre 2000

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Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 22 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 22 novembre 2000

The House met at 1845.

ORDERS OF THE DAY

CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000

LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS

Resuming the debate adjourned on November 21, 2000, on the motion for second reading of Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

Ms Shelley Martel (Nickel Belt): On a point of order, Mr Speaker: I don't believe we have a quorum in the House.

The Acting Speaker (Mr Bert Johnson): Would you check if there's a quorum?

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: Further debate?

Mr David Christopherson (Hamilton West): I appreciate the opportunity to continue my remarks on Bill 140.

Mr Ted Chudleigh (Halton): Now that there's a quorum.

Mr Christopherson: Yes, especially now there's a quorum. That's right. It makes us feel just all the more friendly and cozy around here.

I last spoke of the disappointment, at the very least, and I would say verging on anger, that we in Hamilton feel as a result of the government continuing to ignore the plight of downtown business in Hamilton, and by Hamilton I had pointed out before, and say again, that applies to many other communities across Ontario that are in exactly the same situation, particularly the older industrial or mineral-based communities, the older communities that have been around probably for 100 years or better. The downtowns, for a whole host of reasons, are finding themselves very uncompetitive. The government stepped in, and they've got this whole

formula, which is continued now in Bill 140. I was pointing out the last time we spoke that my difficulty with what they've put together, to say the least, is that they've done absolutely nothing about the uncompetitiveness of the business education tax in downtown Hamilton, in Westdale. I suspect up on the Mountain they're facing the same situation. This government had an opportunity to step in—they have the money, they say they care enough to do it. We've got everything except the political action, the will, and it's not here.

I notice the parliamentary assistant is in the House and is taking careful notes, and that's good. It's nice to see you're paying close attention, David. But before you think of responding with the \$5 million extra that you put toward problems like Hamilton, let me point out to you it's a \$41-million problem. While \$5 million is good, and we're not going to say no, given literally the billions you've already given to your corporate friends through corporate tax cuts, you have effectively ignored the downtown of Hamilton. In fact, we had a number of business people here today holding a news conference, not politicians, local business people imploring this government to step in and correct this unfairness which you now have total control of.

That was the point I was making when last we spoke to Bill 140, and I thought I would conclude the few minutes I have by pointing out the difference between a government that wants to invest in community and what it means to that community, which is exactly what you should be doing now for Hamilton, but are not.

During the NDP government, in Hamilton we have what many now consider to be the absolute jewel in the crown of the city of Hamilton, which is our new waterfront, long dreamed of and worked toward by many politicians, many staff, many community leaders. We had everything we needed, except we ran into a very serious problem and one I've heard you make mention of in passing, but I haven't seen any dollars flow. That's the only thing that's really going to make a difference at the end of the day, and that's dealing with what's now called "brownfields." We had a piece of property in Hamilton, the former Lax property, and we had money set aside in the Hamilton capital budget to develop it into parkland. We had all the plans. Everything was ready to go until we found out that because it was a former industry site it was polluted and nothing, certainly not a park, could be built there until the contamination was either removed or, at the very least, mitigated in a way that brought the land up to standards that are acceptable for use by our citizens.

1850

Hamilton didn't have that kind of money in the budget. They had everything else all set to go, but they didn't have the money to do that. Our government stepped in and provided \$7.5 million. That alone is \$2.5 million more than the extra that the minister is bragging about in this bill that's going to benefit Hamilton—\$7.5 million provided by the provincial government so that the land could be decontaminated and then the city was in a position to step in with their plans and their capital budget to turn it into what is now a beautiful park, not only on the waterfront, but it juts right out into Hamilton Harbour.

Further to that, to assist the city as a partner, as opposed to kicking them around like you do, we then provided another \$1.6 million toward the total cost, because the city had some money but not all the money they needed to create a secondary park that was next door that was geared to kids. Anybody in Hamilton who has been to Pier 4 Park and has taken their children down to the tugboat that's there and all the water sprays that are there, it's a beautiful place to take your children. Then you could either go over to Bayfront Park or go to one instead of the other. But we've got people coming down to the waterfront who didn't dream they'd ever have that opportunity again.

You might say, "Well, that's a nice recreational use," and it is, but I say to members of the government backbenches it's more than that. When investors are looking to come into Hamilton, don't think that every time they aren't taken down to the waterfront. Why? That may not be an integral part of a business plan in terms of those who are going to invest, but it is part of the community that the people would live in if that business located or relocated in Hamilton. So it has an economic benefit.

At the end of the day, everything we do is supposed to be about quality of life. I mean, it is with you guys, except it means lowering quality of life. The idea is that you're supposed to increase the quality of life for everyone, not just your rich friends, everyone. That's the kind of thinking that you should be using right now when you've got an economic boom and you've got billions of dollars of surplus. That's what you should be doing, it's what you could be doing; you choose not to.

Our courthouse, between \$70 million and \$75 million at the end of the day, provided thousands of work hours in downtown Hamilton for construction workers in the deepest recession since the 1930s. Were it not for this project and a number of others I'll mention, thousands of families wouldn't have an income. This makes a lot of sense, especially when you're in the depths of a depression. That's when people need their government the most.

We saved a beautiful historic building. It's a former post office. It's an absolutely stunning example of the kind of architecture that Hamilton has been blessed with. It also solved a major safety problem that we had in our provincial courts, because this became the new consolidated courthouse, and, thanks to the leadership of people like Dermot Nolan, we were able to get, yes, starting with

the Liberals, approval. As life turns out, you guys cut the ribbon, but everything in between approval and cutting the ribbon we did. We provided the money, we kept it going. Even when we got to the point where we started having to back off because of the length of the recession, we were able to maintain the Hamilton courthouse as a priority for Hamilton in large part because of its job creation—not make-up jobs, real jobs.

The Premier was proud enough to be there when the ribbon was cut and the courthouse was named the John Sopinka Courthouse. I would think if it were something other than what I'm saying, you wouldn't have seen Premier Harris there. But there he was, proud as punch, I might point out, to be in Hamilton at the opening of this beautiful new building. I would urge anyone, if you're in downtown Hamilton for whatever reason in your capacity as an MPP—I hear David Young across the way saying he has been there. But have you been into the courthouse?

Mr David Young (Willowdale): I have indeed.

Mr Christopherson: You have. It's beautiful. It's a real plus to the community. It's a health and safety issue, because the police and the lawyers and the judges were really concerned about their safety, given the old court arrangement, and we had problems with the size of rooms, and at one point there were asbestos concerns. There were all these things, and so the provincial government stepped in, yes, at a time when we were under the gun financially because of the recession, but our community of Hamilton and many other communities like that were in deeper trouble, and we stepped in—unlike you. The biggest boom we've ever had in North America, billions of dollars in surplus, and downtown businesses in Hamilton are bleeding, some of them bleeding out of the community, and you throw a few crumbs.

The GO station was completed under our watch. I believe technically you got to do that ribbon-cutting too. You guys got really lucky with the timing of things; politics is everything. You were there to cut the ribbon. Again, it was an investment in downtown Hamilton, but it was also an investment in our economy, because by virtue of relocating the GO—

Interjection.

Mr Christopherson: Which one of us here knows Hamilton better? I would say I do, so just give me my three minutes that I have left to talk about Hamilton. I think it's an important example of why Bill 140 fails everyone.

Interjections.

The Acting Speaker: Order.

Mr Christopherson: We've got them going now. We've got them all riled up.

That GO station is a multi-modal station that has provided an economic benefit to downtown Hamilton, and again one of the side benefits was that it provided construction jobs in Hamilton at a time when jobs were scarce. If it weren't for these projects, these investments, a lot of families wouldn't have had the money to pay the bills.

Further to that, do you know what they killed when this government came into office? These are things that we had on the books that they killed. We had money to go into revitalizing the Lister Block. Again, for anyone who knows Hamilton, that's another piece of beautiful architecture that we're going to lose—there's a proposal right now, but if we don't get something we're going to lose the whole thing. We had money going into the Lister Block to bring it back both in terms of business and residential.

Further to that, we had over \$1 million in social housing projects approved. It was jobs and it was homes for people who desperately needed them, people who now—after five years of Mike Harris's government—still don't have anywhere to go, and that list grows. You cancelled all those projects so you could fund your tax cuts. There was \$5 million to revitalize Barton Street between Wellington Street and Sherman Avenue. The city and the region, to their credit, found some money to invest in there, but not nearly what was in place before you came in and cancelled all that funding. I'm rapidly running out of time.

There was \$5 million to finance a cultural enterprise fund; \$1.5 million to finance a green communities initiative; \$5 million to create a green industries fund; \$21.2 million to clean up and restore the Red Hill Valley and link the area with hiking trails and build an interpretive centre; and we were going to open a local office of the Ontario Clean Water Agency, creating 20 permanent local jobs. All gone within months of your taking power.

My point in all this, as my time rapidly goes by, is that there was an opportunity here for this government to do something for small business. I'm not even suggesting you ought to be doing projects that I think are important but that I know you have no philosophical interest in; there's not even that much distance between us. This is small business in downtown Hamilton, Sudbury, all kinds of communities across Ontario, and you left us all high and dry, in terms of Hamilton, with a business education tax that's 60% higher than that in our next-door community of Burlington: same education, same government, same formula; we get screwed. Thanks a lot.

900

The Acting Speaker: I just want to point out that time goes by at the same speed for all of us.

Comments and questions?

Mr Young: I appreciate having an opportunity to address some of the points raised by the last speaker. I think, though, it's important to put the remarks in context.

Of course, the situation in Hamilton, as in many other municipalities across the province, including the city of Toronto, is that year after year, decade after decade, what occurred was that the municipal councils would make decisions, often approaching election time, and would increase the tax burden upon the businesses situated in their respective municipalities and lower the tax burden or eliminate any tax increases for many residences. That's what happened in Hamilton, and that's why I'd

invite any of you, in spite of those over there who say otherwise without the facts, to examine the statistics—I'd be happy to forward them to you—and see that that is the case. The business taxes in Hamilton were out of whack, were disproportionate to those in other parts of the province and in relation to the residential taxes. So it's most curious that the member from the NDP who spoke previously is there going on and on about the plight of businesses in the Hamilton region.

Of course, it's important to keep in mind that it is true that the business taxes in Halton, as an example, and the example that the speaker used, are less than they are in Hamilton. There's a reason for that. The municipal representatives in Halton, when it was entirely within their jurisdiction, as it was in Hamilton, made some difficult decisions that encouraged businesses to settle there.

Now, the member is quite right: we can redress this problem; we can do so very easily. We could have done so when we initially introduced this legislation. But to do so would have resulted in an amount of \$500 million having to be absorbed across the province, and that is the exact same amount that the business taxes in the city of Toronto would have been reduced. If that is what he is advocating, then please let him say so when he speaks next.

Mr Tony Ruprecht (Davenport): I've listened to the comments of the member for Hamilton West, and I want to address myself to two of the points he is making.

The first point he is making is that there were a number of projects in place that would have helped small business, and what happened when the Conservative juggernaut came in? Precisely nothing happened to those projects that could have helped small business. These projects were not only in Hamilton, but they affected other areas. My area at the time was Parkdale; now it is Davenport. We can be very specific in pointing out directly, and it would take a long time to point out, which programs were affected. So you're making a great point.

Secondly, I'm not sure where the member from Willowdale is coming from. How can he possibly say that in terms of the taxation that affected business, that was an equalization? When you take a restaurant on the south side of Steeles Avenue and you take a similar restaurant just on the other side of Steeles, on the same street, and you can say that the restaurant on the north of Steeles pays six times less in business tax than a restaurant across the street, on the same street, you know there is a problem.

That problem was not only addressed by your government in terms of being sensitive to the business owners. No. What happened is, you started bulldozing and juggernauting and pushing people, especially the business owners, in the direction of paying more taxes. The only reason this government ever became sensitive and listened to what the business owner had said is when we demonstrated. We had to demonstrate to make them listen.

The Acting Speaker: The member's time has expired.
Comments and questions?

Ms Martel: I'm pleased to participate in the debate, and I'd like to make a comment on the remarks that have been made by my colleague from Hamilton West.

We are in a very similar position in that people in his community, people in mine, people in the Niagara region and people in the city of Toronto are all people who will find that if there has to be an increase in taxes at the local level to cover this government's download, all of that burden is going to be borne by residential homeowners.

That is what we are taking such offence to this evening, and that is what my colleague certainly talked about last night in his remarks. The fact of the matter is, the full costs of the download are not over. In my own municipality, we are now dealing with a very serious problem regarding the provision of land ambulance services, to the point where at its most recent meeting the regional council passed a resolution which they have sent to this government to ask the government to fully fund, to ante up the money that is needed for ambulance services. That is a resolution that was just passed on November 8, 2000. As much as this government would like to say the download is neutral, it isn't, and people in my community know that.

The problem is that this bill sets us up for either a loss in much-needed services at the local level if taxes are too high, and politicians don't want to pass that tax increase directly on to homeowners who will bear all of the burden, or tax increases that will in fact have to be borne by homeowners because that's what the legislation says. There is an inherent unfairness here, and we're going to feel it in my community, my colleague's community and many others.

The Acting Speaker: The time has expired. Comments and questions?

Mr Wayne Wettlaufer (Kitchener Centre): It's a great deal of pleasure for me to stand and talk to the remarks made by the member from Hamilton West.

I believe he is totally out of touch with reality when he talks about the billions of dollars given by this government to our corporate friends in tax policies. Let me explain something. Corporate friends create jobs. Do you know, of those corporate friends, most of them are small businesses. Small businesses create 80% of the jobs in this province.

I was one of those small business people before I ran for election in 1995. It was the tax-and-spend policies of that government, the NDP policy, of which he was a cabinet minister, that caused me and my partners to lay off 20% of our staff in one year.

Let me explain something else. The member from Davenport over there stood up—he was a member of a political party—and talked about small business. What understanding does he have of small business, what makes small business tick? Let's understand something here. Those two guys are talking about tax-and-spend policies. That's what they want to do.

They talk about lowering the quality of life—

Mr Ruprecht: On a point of order, Mr Speaker?

Interjections.

The Acting Speaker: Order. I will be fair when it comes to time. I want to hear this point of order.

Mr Ruprecht: Mr Speaker, I'm being accused of not knowing anything about small business. I just want you to know that my parents own two small businesses.

Mr Chudleigh: How many do you own?

The Acting Speaker: Order. That is not a point of order. After debate, we have four opportunities for members to make statements.

Interjection.

The Acting Speaker: In a lot of cases I'm very tolerant, but when I see someone interrupting when a person only has two minutes, somehow or other I'm not very tolerant. I'm quite—

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): Firm.

The Acting Speaker: I think I'd like to leave it at that. The member for Kitchener Centre has about 37 seconds to finish his comments.

Mr Wettlaufer: The member from Hamilton West also mentioned the fact that this government is lowering the quality of life. How is that possible when we've created an environment in which 750,000 net new jobs have been created? That lowers the quality of life? I think that increasing the number of jobs and investment in this province increases the quality of life.

1910

He talks about the depths of depression and what his government did in the depths of depression. Your government created the bloody depression. We had a recession prior to what you did. We had a made-in-Canada recession. This is the province that drives the engine of this country and you—

The Acting Speaker: The member for Hamilton West has two minutes to respond.

Mr Christopherson: I won't deal with everything the last speaker said—it's like shooting fish in a barrel—but I will mention the fact that you said small business creates 80% of all new jobs. If you'd been listening, you'd have found out that I'm talking about small business in downtown Hamilton and Westdale that you've abandoned and ignored. That has been my whole point. It's small business that you've hurt. You had an opportunity to do something and you didn't do it.

Now, to the member for Nickel Belt, I think it's interesting she raises the land ambulance. We just had the Provincial Auditor's report showing that this government's policies have led to a decrease in the efficiency and provision of services by our paramedics and ambulance services. This is the biggest economic boom ever in North America. How can that be?

I thank the member for Davenport for his comments. To the member for Willowdale, I appreciate the fact that it's \$500 million—that's half a billion dollars to completely remove the inequities that you currently have in your system. I understand and I agree.

I also acknowledge that half a billion dollars is not to be sneezed at. The point that I made earlier, however,

was that you were able to find \$4 billion for corporate tax cuts, that will benefit mainly the larger corporations, when you could have taken a portion of that. You have \$4 billion, you could have taken half a billion, and how many small businesses across Ontario, not just Hamilton but across Ontario, would you have benefited just by removing the uncompetitive nature of the business education tax that you are 100% in control of? One hundred per cent. You chose to take care of your friends rather than take care of small business in Hamilton, and that's wrong.

The Acting Speaker: Further debate?

Hon Mrs Johns: I'd like to share my time with my friend and colleague the MPP from Guelph-Wellington.

I rise today to support Bill 140, which is the Continued Protection for Property Taxpayers Act. I would like to take this opportunity to highlight sections of the act which I don't think have received the attention they deserve.

People with disabilities and their caregivers have long complained that while there are notable exceptions, much new housing built in Ontario is not accessible. To encourage builders to design their homes so that they are accessible to people with disabilities, this act would include a new category of exemptions. It would provide an exemption from municipal taxation from a prescribed portion of the assessed value of a new home that is designed to accommodate people with disabilities. This is a further example of the province leading by example, in making this province the best place in the world to live, to work, to raise a family, for all Ontarians, including those with disabilities.

While this exemption applies to new homeowners, earlier changes to the Assessment Act ensure that accessibility renovations—whether improvements, alterations or innovations—will not lead to higher property tax assessments.

In the Fair Municipal Finance Act, municipalities were required to defer, cancel or provide other relief for assessment-related property tax increases for low-income people with disabilities. The new act I am addressing today would expand the requirements in two ways. It would make it mandatory for municipalities to institute a relief program upon each reassessment. It would also allow relief to be provided for all tax increases, not just reassessment-related tax increases.

Other earlier provincial tax legislation has also benefited people with disabilities. For example, vehicles specifically modified for people with disabilities can earn a tax refund of as much as \$2,400 for vans and \$1,600 for cars. This applies to the tax paid on the purchase of vehicles used to transport people with permanent physical disabilities.

We think this is important on this side. I hear the other side commenting. I hope they think that programs that help people with disabilities are important also.

Retail sales tax paid on long-term leases of 12 months or longer may also be refunded. In 1998, the retail sales

tax rebate was expanded to include additional family members and non-family care providers.

In addition, there is no Ontario retail sales tax applied against equipment designed solely for the use of people with physical disabilities. The equipment allowed includes a variety of household appliances, mobility aids, communication equipment, protective and pain relief devices.

Finally, there is the workplace accessibility tax incentive initiated in 1998. Corporations can deduct up to 100% of qualifying expenditures, up to \$50,000, for support services or physical accommodation for new employees with disabilities.

All these programs reiterate our commitment to the full participation of people with disabilities in the Ontario economy and in Ontario society.

In some instances, the federal government has joined with the province in bringing tax relief and incentives to aid people with disabilities. There is an accelerated depreciation on business expenses that involve building renovations and prescribed devices installed at a place of business for the benefit of people with disabilities.

To be specific, disability-related modifications include an interior or exterior ramp, a hand-activated door opener and a modification to a bathroom, elevators or doorways to accommodate the use by people in wheelchairs.

Other equipment that might be deductible includes an elevator car position indicator, such as the Braille panels you see on the elevators, or audio signals that people need if they have sight impairment. For the hearing-impaired, the costs of a listening device for group meetings or for telephone devices for individuals would also be deductible.

The medical expense tax credit applies to some people with disabilities and can cover a number of aspects of improving the lives of people with disabilities. These include everything from a \$10,000 deductible allowed for the care provided for a part-time attendant, to sign language interpreter fees, to half the cost of an air conditioner, which is up to \$1,000. Even those who do not pay taxes at all may access refundable medical expense credits of up to \$500 or 25% of expenses.

Finally, there is a disability tax credit which reduces income tax by up to \$1,120 and exempts any transport and attendant care provided by the employers from taxes. It also gives a \$500 credit to caregivers of children with disabilities and allows a \$10,000 child care expense deduction for eligible children, or a tax deduction of \$5,000 for attendant care.

There is duty-free entry for goods used by people with disabilities, and part-time students with a disability are eligible for the special education credit.

All of these actions reflect the importance this government places on leading by example in removing barriers that limit participation for all members of our society.

I want people to reflect on this when they're thinking about this bill, because it's important to remember that once again we have stepped up to the plate, we're leading

by example and we're looking at ways we can create participation for all members of society.

They also reflect the importance the Ontario government puts on partnerships in removing barriers to opportunity—in this case, in Bill 140, partnerships with fellow governments at both the municipal and federal levels; in this case, in Bill 140, new homes that have never been covered before.

Only by working co-operatively without narrow ideological blinkers can we reduce barriers in our communities, in our public institutions and in our workplaces.

1920

I think it's important to say that no one can question the commitment to better serving people with disabilities that this government has presented. Since 1995, this government has announced investments of more than \$800 million in services for people with disabilities and for their families. In total, one ninth of the provincial budget—this is a hard number to believe, but it's true—a total of nearly \$6 billion, is being spent annually on programs and services for people with disabilities and their families. The figure includes, of course, \$2.5 billion annually in income and employment supports to those who face the challenge of living with a disability. In addition, \$1.2 billion is invested each year in our education system for programs and services that improve learning opportunities for children with exceptional needs. A further \$2.3 billion is invested in a range of programs and services, from respite care in the community to community-based projects, that make our own towns, cities and businesses more accessible to everyone.

Let me say that this government remains committed to going even further in the introduction of a comprehensive action plan for people with disabilities. It will have both legislative and non-legislative components. The target date for that remains at no later than November 2001, which was asked for by the opposition, and which we of course will respond to. We will accomplish it without unnecessary red tape and without unnecessary regulation. We support a realistic approach, a fair and a reasoned approach that reflects the economic realities in the province of Ontario.

We continue to combine concrete action and heightened public awareness of the role that Ontarians can play in making Ontario a community that has fewer barriers. Our action plan combines legislation and practical non-legislative actions that were reflected when we heard from consultations that we have carried out throughout the past three years, first of all with the previous minister, Isabel Bassett, and then with myself. Numerous meetings have been held with interested groups, including a total of 14 meetings in 1995 with representatives of the Ontarians with Disabilities Act Committee, and most recently, in September of this year, I met with that committee again. Our approach to aiding people with disabilities will avoid pitfalls seen elsewhere, while at the same time addressing some of the most tangible needs that people with disabilities have.

I'd like you to consider three key words: possibility, potential and opportunity. Together they form the backbone of what we are doing and what we intend to do to create opportunities for people with disabilities in a fair and reasonable manner. We cannot do this alone, of course; no government can. We need to increase opportunities for people with disabilities, and it requires the participation of everyone, not only in the Legislature but in Toronto. For example, tomorrow I'm going to be speaking to a group that has worked in partnership with the government to ensure that we promote accessibility in the province. I have to say that the group I'm talking to tomorrow was also helped by Abilities, Canada's lifestyle magazine for people with disabilities, which gave them free advertising. Those are examples of partnerships that are happening all across the province with people from different walks of life as we move to the goal of making Ontario more accessible. The end result will be that more people will learn at first hand about obstacles and about how to overcome those obstacles, and we will help to make that happen in the province of Ontario.

I cannot stress enough the importance of such events as these, for they serve to build bridges between people with disabilities and other sectors. In front, leading by example, is the government of Ontario. This is also why I'm proud to call attention to the portions of the Continued Protection for Property Taxpayers Act which deal directly with people with disabilities. This is also why I expect that this Legislature will endorse the changes that are recommended in this act, because they're good for people with disabilities.

Mrs Brenda Elliott (Guelph-Wellington): It is also my pleasure to join this evening and speak in support of Bill 140, the Continued Protection for Property Taxpayers Act. We embarked on this process of tax reform in 1998 because a number of municipalities across this province had chosen not to update their property assessments. The result of that was a mishmash of assessments across municipalities that were more than 25 years out of date in some instances. So we were left with inaccurate assessments that didn't reflect the relative changes in property values over time. The property tax was based on those out-of-date assessments. We at that time had an unfair distribution of taxes within municipalities and across Ontario, and this inequity could absolutely not continue. There were abortive attempts by previous governments to address the problem, but it took our government, strongly motivated by the ideal of fairness, to finally act and find ways to fix this complex problem.

The act we're debating this evening will continue and expand on the process begun in 1998. It will, if passed, implement the Minister of Finance's budget commitment to continue limits on property tax hikes beyond this year and to provide Ontario's municipalities with a tool kit to facilitate their move to a current value assessment system.

The bill has a number of noteworthy provisions. If passed, municipalities will be required to limit any

reform-related tax increases to no more than 5% per year on commercial, industrial and multi-residential property. This will protect Ontario businesses and tenants against unmanageable property tax increases.

The legislation provides for other tools to assist municipalities with the transition. The capping mechanism will be simplified. It will be based on the previous year's tax, eliminating the need for the frozen assessment listing. It will be more flexible because it will not require all of the limits to be funded exclusively from restrictions on tax decreases. Municipalities will be allowed to flow through more tax decreases to those property owners who have been paying higher-than-average property taxes.

The optional property classes and graduated tax rates will be retained. The latter allows Ontario's cities, towns, counties and regions to establish graduated tax rates for commercial and industrial properties and to apply different rates in different parts of the municipality.

The bill will also modify the existing phase-in tools, allowing municipalities to phase in all tax changes that occur as a result of reassessment over a maximum of eight years. Thresholds may be established for any phase-in as either a percentage or a dollar amount.

These are just a few of the provisions included in legislation, but there are a couple that I particularly want to bring to the attention of the House tonight. If passed, this act will provide tax relief for low-income senior and disabled homeowners. It will allow municipalities to provide relief from all tax increases, not just those related to reassessment. It will also require tax relief to be provided from increases that result from future reassessments.

Over the last year or so, I have met with a number of seniors and disabled people who live on very tight incomes. For those people, any increase in their residential property tax could hurt their ability to meet their day-to-day needs. This cannot be allowed. This provision of the legislation allows Ontario's municipalities the power to prevent them from having to choose between a roof over their heads and the necessities of their lives. I sincerely hope that the municipalities will seize this power and use it to the benefit of those who need it in their communities.

There is a second part of this legislation with which I am pleased. The act will provide for an exemption from taxation for a portion of the assessed value of a new home that is designed to accommodate people with disabilities. This will be in addition to existing provisions of the Assessment Act that exempt accessibility renovations to a home from its property tax assessment. This provision will help offset the cost of constructing an accessible home. It will make it easier for those with restricted mobility to continue to live independent lives in their own homes.

It isn't always possible to merely renovate an existing house to make it accessible. For someone in a wheelchair, for instance, doors need to be widened, bathrooms need to be changed in a major way, and some homes are simply not suitable for these significant changes. Many

disabled have sought instead to build new homes, integrating at the outset the accessibility enhancements. They would have done this in times past at great expense, once again to be hit with a higher property tax assessment. That no doubt dissuaded many people from undertaking such an achievement.

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I am very hopeful that many people with and without disabilities will take advantage of this new tax provision and integrate accessibility considerations as they build new homes across Ontario. With each new home built in this way, one more step will be taken along the road to make this province universally accessible.

These are just two of the tax incentives that we think are going to be very helpful for people with disabilities. They build on the change that we made in 1998 with the Ontario motor vehicle tax rebate program, which provides a rebate of \$1,600 for cars and \$2,400 for vans used to transport people with disabilities.

The Ontario retail sales tax exemption excludes equipment designed solely for use of people with physical disabilities from the provincial retail sales tax: things like household appliances.

The workplace accessibility tax incentive was mentioned by my colleague earlier, allowing corporations to deduct 100% of qualifying expenditures on support services and physical accommodations for new employees with disabilities. Unincorporated businesses are also eligible for tax credits of up to 15%.

A number of initiatives have been undertaken by the federal government, with whom we are co-operating: the accelerated depreciation for business expenses, for instance. The medical expense tax credit allows people to deduct 20% of the cost of an adapted vehicle, in addition to more traditional medical expenses.

I'm proud to speak in support of this bill today and I hope all of my colleagues in this House will support this bill when it comes to a vote. This legislation will further facilitate the resolution of the long-standing unfairness in property tax across this province. These provisions that particularly address the needs of the disabled and low-income seniors across the province are important.

We on this side of the House have been working diligently to find ways to help those who are challenged with disabilities in Ontario. This is one more way we can be of assistance as we work to make Ontario the best place in the world for all to live, to work and to raise a family, particularly those who suffer with disabilities.

The Acting Speaker: Comments and questions?

Mr Ernie Parsons (Prince Edward-Hastings): I want to compliment the government members on keeping a straight face while they ran through all they are doing for people with disabilities in this province.

Someone with a disability in this province is sentenced to poverty under this government. The Ontario disability support program provides them with approximately \$11,000 a year. To tout deductions from income tax and to tout tax credits to someone who's receiving \$11,000 a year is meaningless. And indeed, if one partner is

receiving the Ontario disability support program, the other has his or her money clawed back by the province, because if one person is receiving it, the rest of the family should be in poverty too.

I am astounded at the sense that this government's doing so well for the community when there are literally thousands and thousands of Ontarians with disabilities telling about the difficult life they are leading.

We talk about the government leading by example. Well, it's leading by example, but it's a poor example. In this Legislature there is no Braille on the elevator button for a blind individual to come and listen to the debate taking place in this very room. Provincial parks, when they are 85% full, take their disabled spots and rent them out to anyone. We don't do that with parking spaces, but this province does it with camping spots in the provincial parks. Industry leaders have met with Ontarians with disabilities to attempt to do what is correct for them. The Premier of this province refused to meet with them when they were just down the hall last week.

Everything coming from this government seems to come down to money ultimately. The more money we spend is supposed to mean better service. This is the government that spent over \$400 million on ambulances and the auditor says that 50% of them did not attain the goal of getting to the patient when they should have. Money isn't the answer. Ontarians with disabilities want respect and they want support out of this government.

Ms Martel: I want to respond to three points that were made by the government members: first, that the bill provides an exemption from tax increases or relief from future tax reassessments and that municipalities under this bill are now going to have the power to help both seniors and disabled so they don't get hit by high tax increases.

I wonder if either of those two members can tell me if it's going to be the provincial government which passes down to those municipalities the funding necessary to provide that relief, or are the municipalities, along with all the other things they're trying to cope with with respect to the downloads, going to have to try to find the funds to make that relief possible too? I hope one of those two members can tell me, as they talk about the municipalities now having the power, if this provincial government is going to ante up, really show they care about the disabled and seniors and actually provide the funding necessary to the municipalities to provide that relief. I suspect the answer is no.

The second point is, the members talked about expansion for improvements to residences to accommodate seniors and the disabled, and that a portion of a new residence will now be excluded from taxation. My colleague from Hamilton West already has a private member's bill on the books which would exempt from taxation improvements made to existing residences, where people who help the disabled or seniors actually make improvements on existing residences. Surely that would be much more helpful. I don't think many of those seniors or the disabled can afford to build a new house to have those

improvements tax-exempt. Why don't you do something really intelligent and allow the exemption for existing residences and improvements to the same? Surely that would make more sense.

Finally—I'm glad the minister is here—for this government to say they are stepping up to the plate with respect to the disabled is an absolute joke. For five years you have done nothing with respect to an Ontarians with Disabilities Act, even though the disabled community has been begging you to do something. Minister, why don't you do something concrete for the disabled?

Hon Margaret Marland (Minister without Portfolio [Children]): If this wasn't such a serious subject, I would say to the member for Nickel Belt that the action of their government was more than a joke, but "joke" is the wrong word to use on this subject.

As someone who sat in the committee room when the member Gary Malkowski's private member's bill was in committee—it was during a very hot period of weather. This NDP government brought in everyone representing every disability, all those disabled people in that committee room hoping that finally their government was going to support their own private member's bill—everyone knows that Gary Malkowski has a hearing deficiency. They exploited those people. I will never forget the minister in that committee talking for an hour as though they were going to pass their own bill dealing with Ontarians with disabilities.

That kind of behaviour is so despicable. It provides an enormous sham for people with disabilities, because on the one hand you were saying, "Come and hear our private member's bill," and for an hour that minister talked about why their government felt so strongly about people with disabilities, and yet said at the end that the government couldn't support the private member's bill, nor did they do anything else about it after that.

That has been the worst example of using people that I have seen in 15 years in this Legislature, and I will never forget that day.

Mr Dwight Duncan (Windsor-St Clair): I want to respond to the members opposite who spoke and say that these portions of the bill that reflect tax relief for low-income seniors and disabled homeowners are welcome, and I think they're an important step forward. I don't think they are really going to achieve a lot, despite the intentions of the government, and let me tell you why.

First of all, there are provisions in the bill that would allow municipalities to provide relief from all tax increases, and that supposes a municipality will be in the financial position to do that. After all the restructuring, all the downloading and all the other problems, indeed the major portion of this bill deals with accommodating the tax increases that some will experience versus others. I don't think most municipalities will be in a position to act on this. It may sound good—it does sound good. Any step forward is an important step. But in my view it's not really going to provide any real relief when in force, certainly not in the short term.

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With respect to the exemption on assessment for new homes, again, it's a good step forward. It doesn't address the problems, such as my colleague from Thunder Bay-Atikokan raised today, of rebuilding homes and the need for support. I think that's an important component.

The final comments I have with respect to the minister's address to the House tonight are that many of the initiatives she spoke about—the dollars spent by the government—are programs that have been around for a long time and over many governments. I don't want to point fingers at one government or another for what they did or didn't do. But I'll say this: there was an explicit commitment in 1995 by the now Premier of Ontario to enact an Ontarians with Disabilities Act. This Legislature has passed three resolutions now, one from the New Democrats, one from me and one from my colleague, which went a long way to identifying what we believe should be in that. I urge the minister again to move forward on that. The 2001 deadline had to do with implementation, not with passage of a bill.

The Acting Speaker: The member for Guelph-Wellington has two minutes to respond.

Mrs Elliott: To respond and wrap up on comments from the minister from Huron-Bruce, my colleagues from Prince Edward-Hastings, Northumberland, Nickel Belt, Mississauga South and Windsor-St Clair, we've talked mostly in these last few moments about how our tax reform will assist seniors and those with disabilities and how this will be of great benefit to them.

I think it's important to point out that the minister indicated that fully one sixth of Ontario's budget goes toward programs and services to meet the needs of the disabled. It's a very challenging file and one we have been working on very seriously here in Ontario. Further legislation and planned action are to follow.

I also think it's important not just to focus our attention on this. We have done that tonight. For the record, I want to indicate that the current Assessment Act does exempt renovations to existing homes. I think it's important that that's accurately reflected on the record.

To remember what we're actually debating tonight, we're debating a property tax reform bill that Liberal and NDP governments before us were terrified to actually take a stab at. They knew that for years taxes and assessments had been an absolute nightmare, a patchwork across this province.

For many years my father was an assessor in Godrich, in Huron-Bruce, and was in fact dispatched to different places across the province to reassess properties. On more than one occasion, when the work was all done the municipality choked and was afraid to bring in new assessment values because they were afraid of the political backlash. It was totally inappropriate and totally wrong for the overall economic health of this province.

Our government, under the courageous leadership of Mike Harris, has not been afraid to attack these things and to get them right. This has been a very major undertaking of ours—extremely complex—and I for one am

very pleased to be part of a government that's had the courage to do the right thing for Ontario.

The Acting Speaker: Further debate?

Mrs Lyn McLeod (Thunder Bay-Atikokan): I will be sharing my time tonight with my colleague from Kingston and the Islands.

Reading the title of this bill, I find the government is still spending a lot more time and energy coming up with innovative titles that are a public relations spin than they are with actually dealing with management of the affairs of the province.

The Continued Protection for Property Taxpayers Act: a bemusing title, since the residents and small businesses in my community are still wondering when the protection begins. How can it be continued when they actually haven't seen any protection or relief from their property taxes?

I suspect that no single issue has brought forward so much sheer confusion as the so-called Mike Harris reform of our tax system. Lots of other issues have brought forth anger, frustration and dismay, but I think this one is probably the most confusing, and no wonder, since this is the eighth bill on property tax reform that we've had in the last three years.

I know municipalities are extremely confused about what's happening with property tax reform, and of course they are most affected by what this government does with property tax reform. They have absolutely no idea, at this point in time, what their tax base is going to be, let alone how much so-called tax room they're going to have. The term suggests the municipalities are going to have to pick up a great deal of additional costs, so presumably they've been given some tax room by the provincial government to do this, because the provincial government has in some way relieved the property tax, except the municipalities simply don't know how much of their tax base is going to be eroded by the chunk the provincial government is going to levy as it funds its own share of the property tax. We will recall, of course, that for the first time the province of Ontario is in the business of levying property taxation.

I know the small businesses in my community don't understand what has happened to them. They certainly have not seen any relief of property taxes as a result of the previous seven bills on property tax reform that this government has brought in. I think it's fair to say, and I think one of my colleagues may want to make this case later in the evening, that large businesses have benefited from the Mike Harris approach to property tax reform. They perhaps have the ear of government. But I know small businesses are simply reeling. I know that's true in my home town and I suspect it's true in communities across the province. Business thought they had elected a tax-cutting government. That was what they were told they were voting for. But instead what they find is that they have been doubly hit by the property tax policies of this government. They, after all, got no relief from the government's acceptance of paying some of the costs of education, so they continue to pay 100% of their

assessment for educational purposes, now directly to the provincial government rather than to their local school board, but nevertheless 100% of what they were paying before. There's no relief there at all. In addition to that, they have to pick up their share of what has been downloaded on to the municipalities in order to make what the government tried to put forward as a revenue-neutral exercise in moving part of the residential educational tax to the province.

So who's left? Ratepayers. Ratepayers were supposed to be the beneficiaries of the Mike Harris property tax reform. They were supposed to get relief; that was the government's spin. "We're going to take education off your property tax. Isn't that a wonderful thing?" In fact, the government wanted control of education, and the only way they could get control of education was to take control of the entire cost of education. So their idea was that they were going to take some portion, at least, of the education tax off the property tax base so they would control the cost.

They weren't planning to pay for education; oh, no. I remember when we looked, in some earlier years, at whether we could in principle—because the notion that the province should pay for the social service costs like education is a good principle. We looked at what it would cost in terms of personal income tax, because back then provincial governments weren't in the business of levying property tax. We said, "What would we have to do with the personal income tax base of the province of Ontario in order to take education off the property tax base?" It was going to mean—and this was some years ago—a 50% increase in the personal income tax rate. That wouldn't fit with this government's ideology. They came in promising to reduce personal income tax by 30%, so they certainly couldn't take education tax off the property tax base and take it on to themselves.

So what did they have to do? They had to shift things on to the property tax base. Instead of following the notion that it was a good idea for the province to pay 100% of the costs of the social services to create some equity across the province while the municipalities picked up all the costs of the so-called hard services that were directly within municipal control, this government said they were going to off-load enormous social costs on to municipalities, unheard-of costs for municipalities, costs that they couldn't control. Remember? They were going to unload 50% of long-term-care costs on to municipalities. They were going to set the standards, but they were going to load the cost on the municipalities, totally outside the municipalities' control. This government thought the municipalities should absorb 100% of ambulance costs so that the government could then say, "We've taken education off your property tax base."

Of course, not even this government could resist the public outcry that so many social services, essential health care services, were going to become the responsibility of the municipalities. So they had to retreat from their original plans, and they said, "We can't take 100% of education costs off your residential property tax base;

it'll just be 50%." And remember, at no time did this government ever propose taking education off the commercial and industrial property tax base, which is why those small businesses are still reeling.

What has happened, to get back to residences, is that some 50% of their property tax for education is now paid for by the province out of provincial revenues, but they have to pick up their share of all of the costs that have been downloaded on to them. So they're not getting any tax relief. The net result is going to be an increase in property taxes. On top of that, residential taxpayers have had to cope with the sheer insanity of this government's approach to reassessment.

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The time is fleeting. I've so much I'd like to say about this government's legacy on property tax reform, but I can't help but mention one constituent of mine who lives out in a rural area. She, I confess, sits on her back stoop shooting the foxes that approach her chicken coop. She was ready to turn the shotgun on the assessor who sat out on the provincial highway looking at her property and making an assessment of it.

Mr Doug Galt (Northumberland): Oh, my.

Mrs McLeod: True story, I tell the member opposite. Fortunately, she didn't turn the shotgun in that direction; fortunately there's some gun control in the province, but that's another issue perhaps.

But I can tell you that although this may be one particularly eccentric constituent, she's not the only one in my constituency who is absolutely baffled, confused, furious, angry, dismayed at the bizarre reassessments that are being done on their property.

So I suggest to you that people paying residential property taxes are among those who are still wanting to know when this so-called continued protection of their property tax base actually starts to happen. We know that under this bill residential taxes are going to go up. This bill doesn't offer any relief to residential property taxpayers—far from it.

I want to make the point tonight that it's going to get even worse in northern Ontario communities because this government has decided that part of its massive reform of property taxation is that they're going to pull all the unorganized townships—I mean, you had to bring the unorganized townships into some sort of amalgamation, because after all they had to find some way of delivering all the social programs that are now being dumped on to them to pay for and to administer. All these unorganized townships, where there's very small numbers of people, are now suddenly going to have to pay the taxes that go with receiving the social services, which they've never asked for. In return for that, the municipalities are all going to have to come up with the costs of those social services—delivering very costly social services to small numbers of people living in quite remote areas. The people in those areas didn't ask for the services, let alone to pay the higher taxes. The people in the urban areas are going to have to have increased taxes just to pay for the cost of delivering those services because there aren't

enough people out there in the unorganized townships to pay the full cost. It makes no sense to anybody in northern Ontario, but you've got to fit into this government's master plan.

There are inequities. I only have a few seconds left before I turn it over to my colleague, but I can't help but notice—our critic has spoken to the inequities that exist in the property tax base across the province now that this bill doesn't nothing to correct. I look at Thunder Bay, just to use my hometown, and I look at the commercial assessment that's levied by the province, \$5,686 on a \$200,000 property, I compare that to Parry Sound where the levy from the province is \$2,206 and I wonder where the equity is in this, even between two supposedly northern communities, since Parry Sound is considered to be within the north.

In my last 10 seconds, I know how much more there is to come because we haven't borne the full brunt yet of the downloading of the ambulance costs, or the downloading of the social housing costs. I know what this is going to mean to residential taxpayers, particularly in small communities in my part of the province.

I don't believe we have seen any real reform of property tax yet. What we've seen is a provincial government meddling in property taxes, levying property taxes in a way that's unprecedented in this province, and I leave it to my colleague to continue this debate.

Mr John Gerretsen (Kingston and the Islands): Let me first of all say that this government has succeeded in totally confusing the property taxpayers in this province. All one had to do was be involved in the provincial election last summer, last June, where people were totally confused. They were told their taxes weren't going to go up, yet their taxes did go up.

Let's face it, what we said was going to happen did actually happen, and that is that through reassessment taking place all across the province, through many amalgamations all across the province, from much downloading of services from the provincial level to the local level—which by the way is costing the local government an additional \$700 million per year. In other words, \$700 million more worth of services were downloaded than were uploaded as a result of the changes in the education tax. As a result, the average taxpayer out there is totally confused. They don't know who to blame. I guess you have to be congratulated on that because you're to blame for all of the downloading costs. They really don't know who to blame, so they blame their municipalities because they're the people they get the tax bill from, and they put more and more pressure on the local councils and the local municipalities. You've succeeded in that. Have you been fair? No, but you've certainly succeeded in confusing the average taxpayer.

Now here we go again, with the eighth property tax bill. I think the people of Ontario should know that the reason why the first seven were passed, during the last Parliament from 1995 to 1999, is because the Minister of Finance and the Minister of Municipal Affairs just couldn't get it right. There were three or four times

during that period that there were changes made and then all of a sudden other problems cropped up that nobody had really thought about and they had to go back to the drawing board again. What has happened as a result is that the people of Ontario are totally confused as to who is paying for what and why their taxes are going up. Quite frankly, in my opinion, it had an effect on some of the results in the local elections that just took place.

The other thing that's very interesting is the fact that the services that have been downloaded or that are about to be downloaded—I'll just refer to one, and that's the ambulance services. You may recall that the Provincial Auditor was extremely critical of the downloading of the ambulance services, that none of the standards that were set in 1996 were achieved in 1998. In other words, it was taking much longer for the average ambulance to get to a hospital with a critical care patient and there were many more redirects than should have been necessary. One can just imagine what will happen once local municipalities take over that service completely, the kind of service they haven't dealt with before. Even David Crombie, as head of the Who Does What committee, back some four years ago, said to the provincial government—he was your commissioner, you asked him to do the study. He categorically came back and said, "Do not transfer social and health care services to the property tax roll. It's the wrong thing to do. You cannot do that. You cannot do it with social housing, you cannot do it with income redistribution programs, because the needs for those in particular communities may vary greatly, depending upon the economic circumstances, plant closures etc, that may occur in that municipality, and municipalities simply will not have the power, will not have the ability to deal with those immediate social service needs and the monies that are required in as expedient a fashion as the income tax system that the province and the federal government rely on."

It goes on. This bill will limit increases in property taxes on commercial and industrial properties to 5%. You may recall that this was all started by the Minister of Finance some three years ago, when the assessments were going up on some of the commercial properties in this province at a rate of 150% as a result of reassessments. He said, "We've got to protect the commercial taxpayer. Therefore, the actual tax increases in any one given year, as a result of reassessment, can only go up by 5%." That time period has now run out. I think it was five, five and 10, totalled over the three years. Now they've had to bring in another bill to limit it again to 5%. The net result of that is that any additional tax increases in each one of our municipalities in Ontario will be borne by the residential taxpayers. The residential taxpayers, the single-family and duplex homeowners of this province, will be paying for any additional tax increases in any municipality.

Whereas it is wonderful to have all these provisions in here whereby, for example, municipalities are given the power to give tax relief to low-income seniors, to disabled homeowners and for portions of homes built for

people with disabilities and people in hardship, let there also be no doubt that the shortfall from any relief given in these areas by municipalities will be picked up by the residential property taxpayer. That's what is going to happen, and I know what the result is going to be. The result is going to be that there is going to be more and more pressure on the local municipalities, which don't want to raise taxes. They've been put in a horrible position here. They basically don't want to raise taxes, so it means a reduction of municipal services, particularly when many of these services now are basically in income distribution programs. That is totally wrong, because the property tax system was never intended to look after anything in our municipalities other than the hard-core services: the roads, the sewers, the sidewalks, the kinds of services that traditionally we all look to municipalities for.

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The squeeze is coming on those municipalities. It's all caused by this government that decided to basically give people a tax cut so they could look good in everybody's eyes and yet at the same time load more and more services down on the local property taxpayers so that the local councils could take the blame for cutting off programs or for increased taxation.

I hope the people of Ontario will start to pay attention to this. To bring this bill in at this time, when it's right after a municipal election, when new councils haven't even been formed, and during a federal election when people's attention is diverted to other things, I think is somewhat beneath even the dignity of this government to do at this time. I hope that at the very least there will be public hearings on this bill so that we, the legislators, can hear from the people out there and from the municipalities as to how they feel about the proposed changes herein.

The other thing the people of Ontario should realize is that all of the education money that's being raised now from the property tax rolls, whether it's the education money coming from the commercial and industrial sector or whether it's from the residential sector, the amount of money the province collects in those areas is set now by a stroke of the pen by a Minister of Finance without any public debate whatsoever. Yes, there may be a decrease this year, but what's going to happen next year? The property taxes of this province can be significantly influenced by a stroke of the pen as to how much the Minister of Finance feels should be taken out of the property tax system for educational purposes. I would dare say you're probably talking about close to—I'm trying to think—a fifth to a quarter of the entire budget for the province of Ontario that can be set by the Minister of Finance without any public debate or any public discussion.

That is wrong. No one in this province, whether it's the Minister of Finance or anyone else, should have that kind of taxation power. He should not be allowed to set the amount of education taxes that comes out of the property tax base in this province without any say from

the municipalities, without any say from boards of education, and with just the stroke of a pen.

I say to this government, this bill is wrong. Pull it back. You're not doing the taxpayers and the people of Ontario any favours by passing this.

The Acting Speaker (Mr Tony Martin): Questions and comments?

Ms Martel: With respect to the comments that have been made by my colleagues from the Liberal Party, I think it's worth reminding people who might be watching the debate this evening that this is bill number seven, bill number eight, in kind of a long, sordid, sad history of alleged tax reform that this government has tried to undertake. The problem has been consistently, especially in the period leading up to 1998, that the government, true to form, didn't think they had to listen to anyone with respect to tax reform and how to implement it; the government knew everything there was to know about this issue.

I remember when we debated Bill 79, which is the bill that came before this one, that even on the day we debated that bill, or over the course of the day, the Association of Municipal Clerks and Treasurers of Ontario had come yet again to the government and said, "This bill will not work." I remember one of the nights I was involved in the debate that the government at that time had to say that, yes, they even had an amendment to move to the bill that they had just presented to the House.

We have had a long, very flawed, very sad state of affairs with respect to this government trying to push its reform because the government has consistently refused to listen and because the government has been so busy trying to rush through its changes that they just didn't want to take the time to listen. The majority of their problems started when they had the drive-by, fly-by-night assessments that went on in many regions across this province which have led to the very serious discrepancies we see in assessments across the province.

Is this bill going to fix the problems? I don't think so, because the caps are going to remain in place, and in addition to the caps remaining in place it is clear that any additional property tax increases, which are sure to come as this download continues, will be borne solely by homeowners, residential taxpayers. I'm wondering where the fairness is in having families in this province bear all of the burden of those tax increases.

There's nothing fair about this bill, and we haven't fixed tax reform messed up by the government—not by a long shot.

Mr Young: I also want to thank the members from Thunder Bay-Atikokan and Kingston and the Islands for their comments.

I do want, though, to reference the fact that the members opposite, when they addressed this chamber this evening, seemed very content, both implicitly and explicitly, in their remarks to have this government do nothing when it comes to the issue of reassessment. It's clear that the Liberal and the NDP governments were intimidated by the issue of reassessment. It is a difficult

issue. It is not one that can be redressed in the course of one day, one month, or, for that matter, one year. It's an issue that took in excess of six decades to become the problem it is now, and it cannot be turned around that quickly.

It's a question of fairness, though, and in the brief time I have let me say that in municipalities such as the city of Toronto, we lived with an assessment base that had not been updated since 1940. What that meant is that similar properties in the same city, receiving the same services, were paying markedly different taxes. Maybe, with respect, in a Liberal government that would be considered fair and equitable, but it isn't. It simply is not, and every commission, every study that was conducted to examine this problem by governments of all political stripes, said very clearly that a value-based system was essential. But it wasn't until the election of this particular government that we acted upon the advice that had been forthcoming from those various experts. The ongoing and continuous update of the assessment values across this province is the only way to ensure the system is fair and remains fair.

Let me say in my closing moments that the OPAC assessments that have been conducted are being conducted by an organization that is municipally owned and controlled for the purpose of ensuring that appropriate assessments are in place.

Mr David Caplan (Don Valley East): I want to congratulate my colleagues from Thunder Bay-Atikokan and Kingston and the Islands for their comments. Both have been municipal representatives in this province and know the disastrous effects of the property tax policies and of the downloading exercise that the Harris government is engaged in.

I know members from all sides of this House have sat on municipal councils before. I find it somewhat interesting to hear comments especially from members opposite, because they know, as their advisors have told them, as their own hand-picked people have said, that it is a big mistake to load social costs—income redistribution programs, social housing, ambulance service, health service, and a whole host of others, I might add—on to the property tax base.

They've been told that by the business communities, they've been told that by ratepayer associations, but the Harris government doesn't listen. They try to dress things up, call it "continued protection for taxpayers." This bill is a Trojan Horse. This bill is all about loading up property tax increases on the backs of residential ratepayers. You might want to call it whatever language you like. I say through you to the members opposite, Speaker, that they can try to call it anything, but that's simply what it is. Both my colleagues pointed this out very clearly and very dramatically. No one is fooled. Maybe at the Albany Club, when they've had a few too many, as members of the Conservative Party are, they delude themselves into believing their own propaganda, but I can tell you that—

Interjections.

Mr Caplan: I hear the Attorney General caterwauling again, but I can tell you that it's—

Interjection.

The Acting Speaker: The Attorney General will come to order. Those kinds of comments are not acceptable in this House. You will withdraw them. The Attorney General will withdraw his comments.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I withdraw the comments, and I hope the member opposite will withdraw his—

Interjections.

The Acting Speaker: The Attorney General will withdraw his comments, simply.

Hon Mr Flaherty: I withdraw.

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The Acting Speaker: Further comments and questions?

Mr Caplan: If the shoe fits and the Attorney General finds himself reflected, there's nothing I can do about that. But I would say—

The Acting Speaker: Further comments and questions? The member for Northumberland.

Mr Galt: I would like to make a few comments on the comments made by the member for Kingston and the Islands and also the member for Thunder Bay-Atikokan. The member for Kingston and the Islands was quite entertaining as he talked about knocking on doors, that people were confused and didn't understand their tax bill. If it hadn't been for a Liberal trying to explain it to them, I don't think they would have been confused. But once a Liberal got to the door, knocking on the door, I'm not surprised they were confused. Anybody would be confused if a Liberal came to the door and started knocking on it and trying to explain the property taxes. Even if you had been mayor of Kingston, you should have been able to explain it to them and sort it out for them rather than keeping them confused. Then he went on to say they didn't know who to blame. I'm sure you explained to them very loud and clear who to blame. I don't think you would have held off and suggested it should be the municipality. Of course, it's the province, the terrible province that you were in opposition to.

You expected to win and have a majority government, just like the previous time back in 1995. The member for Thunder Bay-Atikokan was in cabinet, I believe, in their turn back in the late 1980s. Why didn't they at that time have the intestinal fortitude to do something about the assessment rate here in the province of Ontario, do something about reform? Then the assessment was 50 years outdated. In my little township that I'm in, around 1942 or 1943 was the basis that the assessment was set on. When she was in cabinet, and when the NDP was there—any of them could have gone ahead. They did not have the intestinal fortitude to do the right thing in the province and get on to a current value assessment. They had the opportunity and they failed miserably.

The Acting Speaker: Response? The member for Thunder Bay-Atikokan.

Mrs McLeod: I appreciate my colleagues from Don Valley East and from Nickel Belt underscoring the

burden that's going to be borne by residential property taxpayers and, I would add, by small businesses paying property taxes, through the result of the downloading by this government of social programs on to the municipal tax base. We've touched on that in our remarks tonight, particularly on ambulances and on social housing. But I think it's important as well to recognize that one of those so-called hard services that might appropriately be paid for out of the municipal property tax base, our water and sewer system, has been downloaded fully in terms of its costs on to municipalities and that there are many municipalities across this province which simply cannot afford, no matter what their tax increase would be, to upgrade the water and sewer systems that have now been downloaded on to the municipal property tax base.

I recognize that in this bill there are a number of different approaches to some tax relief and some tax rebate, and they've been touched on tonight, but I do want to stress—and the member for Nickel Belt raised it as a question earlier—that, with one exception, there's no evidence that any of these tax exemptions, tax rebates, are going to be at provincial expense. It's a nice gift when you can offer a tax rebate at no cost to yourself, when the full cost is going to be borne by the municipal levels of government. The only exception to that is the change in the assessment base for water-powered generating stations. I know that my colleague will have some remarks about that in the future, if not later on this evening.

To the members for Northumberland and for Willowdale, to the government members, I suggest to you that you haven't fixed any inequities in property tax. All you've done is dump more on to the property tax base. If you were proud of this bill, why did you bring it in with no statement? Why did you bring it in with only one hour of briefing beforehand? This government is not really interested in property tax reform. They were interested in getting control of education taxes. They have dumped on to the property tax base. They think they can get away with it because they're not to blame; it's just the municipalities that will raise the taxes at the municipal level.

The Acting Speaker: Further debate?

Mr Galt: I'm certainly very pleased to be able to spend the next 20 minutes chatting about Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes.

There's a theme evolving here that I'm hearing, especially when I listen to the opposition. It's about making tough choices to achieve fairness in property taxes here in Ontario. I was listening very intently as the member for Huron-Bruce and the member for Guelph-Wellington presented a little while ago, and they were talking about this property tax bill assisting seniors and also the disabled. Certainly that was in some of the previous property tax bills and, as you see, it's continuing here.

It's interesting that we heard a lot of criticism coming from members in the NDP about helping the disabled and what should or shouldn't be done. I had the occasion

recently to visit the More Able Than Disabled club in Campbellford. This club meets once a month in the Multicare Lodge, which is connected with the Campbellford and District Hospital. It's quite a nice facility. But what I wanted to point out was that this was a pilot project. It was designed by the Liberal government, as I understand, and built by the NDP government. I just took for granted it being handicapped accessible, wheelchair accessible, but, lo and behold, when I questioned—because I had seen some of the apartments that were wheelchair accessible, and I took for granted that in the whole facility, the 49 apartments, you would be able to get a wheelchair in. No, just 12 units. That's all they arranged to be handicapped accessible. I think that's a shame, building a new building—yes, you can get a wheelchair in, you can go across to the hospital, all great, but only 12 units. It was built for the frail and the elderly, but that was the kind of government we had during that lost decade from 1985 to 1995: not planning very far ahead, and like the member for Kingston and the Islands was talking about, going out and confusing taxpayers about their tax bills and confusing them as to whose problem it is or whose problem it isn't. I think that's very unfortunate.

I was also interested in hearing the member for Thunder Bay-Atikokan in her final windup to the presentation made by the official opposition. She was hammering away on the word "downloading." Downloading does have a negative connotation to it, unless you're with a computer and you're downloading from the Internet and then it has a more positive ring to it. They love to use this word "downloading." I can tell you, this province has certainly been downloaded by the federal government, particularly in health care, where we were at 18% with the previous federal Conservative government and we dropped with the Liberals to an all-time low of 7% funding for health care. They've been bragging during this campaign how they've replaced the dollars in health care and got all the way up to I think around 11% now—very shameful. They're trying to make this election on health care. It would be just great if they would return it to the Mulroney days, get the level of funding in Ontario back to the days of Mulroney. They like to yell and scream about him as a—I'm not sure what all. I'd just appreciate it if they took it back to that level.

I just want to come back to this downloading that the member for Thunder Bay-Atikokan was talking about. I was out to some of my municipalities last summer, and I went with the figures to show them. When we got finished, they said, "Oh, it's got to be different than that." I said, "Fine. If you have figures that are different than that, please send them to me." They have never responded. I explained the dollars and cents, and it was quite remarkable indeed; in the county of Northumberland itself, something like \$2.7 million that has been saved since 1998—considerably more in the province of Ontario, and I'll probably get to that within this 20 minutes later on.

I thought it was interesting that the member for Hamilton West was suggesting that we should share

some of the benefits of the strong economy that this government has created, share that with small business. I fully agree. He is absolutely right about sharing. It's good advice. We've already done it. All he has to do is read the bills and check what's in them. He would understand that we're doing that kind of thing. In the budget of 2000 we announced a cut to the small business tax rate—that's the corporate tax rate—from 8% to 4% by 2005. That's a 50% reduction. In anybody's books that sounds pretty good. By 2005 we will also have increased the small business threshold exemption, their net profits, from \$200,000 up to \$400,000, so they'll be doubling that amount, that space in there, and at the same time, when they do have to pay, cutting it by 50%.

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So I think the member for Hamilton West would indeed be interested in those figures, along with the other figures I'll probably be chatting about a little later on—how much we've reduced the education tax, particularly the residential education tax: first 10%; now we're moving through a second 10%. What was it that municipal politicians used to cry and yell to the province? This escalating, spiralling, out-of-control education tax on their property? I haven't heard that for some time. Of course, I can understand their lobbying—they'd move on to another topic—but that is no longer a problem for municipalities. It's a problem that the government of Ontario has taken off, given them some relief on.

So with these various tax cuts, I have to question what the NDP did during their five-year term. Well, they had tax increases. What did the Liberals do during their term? They had tax increases. There were some 65 tax increases in the province of Ontario during that lost decade, which was very, very unfortunate for the people of Ontario.

Bill 140 is an example of what we're doing, being very committed to and turning around this province. It has been turned around since 1995. You could see the change in the job rates, people getting employed, which happened roughly about the time of the throne speech in September. We actually lost jobs in July and August. It was on such a death spiral that it took quite a bit to get it stopped. It was sort of like trying to turn around the Queen Mary in the Toronto Harbour in a storm, but lo and behold, it did happen.

We were in the Dark Ages for some 10 years, as I mentioned: some 65 tax increases, people were leaving this country like rats leaving a sinking ship. It's not surprising. We hear the NDP saying, "Oh it was the worst recession, it was almost a depression." The way they were going we could have ended up in a depression in this country, in this province, very easily. But that wasn't happening in the rest of North America. Hundreds of thousands of jobs were being created across Canada, while in Ontario during their term we lost some 20,000, give or take, by some people's measures—some say 15,000—but we lost jobs. We certainly didn't gain, while across this great country of Canada jobs were being

gained. Unemployment was spiralling in this province. It was very, very unfortunate.

At least now the priorities are in the right place. We're making those kinds of tough decisions to ensure that we will achieve fairness, particularly in taxation. I can assure you that the turnaround that occurred in Ontario was no accident. It was tough, deliberate decisions that this province made. Of course we can give a lot of credit to the hard-working Ontarians who pitched in and saw what we were doing. They got ready to go to work. Many, many Ontarians returned to Ontario. They had left, given up on this country, but they came back after 1995. You can't believe how many people walk up to me when I'm walking on a sidewalk and say, "Thank you for what you're doing. I'm now back in Ontario. I wasn't here before. I had left and given up on the country." It's just great to hear those kinds of comments.

We've got rid of a lot of roadblocks that were antiquated, unfair tax regimes in the province. Ontario's property tax system was a prime example of this. There were cobwebs literally hanging and dangling in the old property tax system. Even though it was a massive undertaking to reassess some four million properties and reform the entire unholy mess that we inherited, we did the right thing and created a property tax system that provides ongoing protection for businesses while ensuring a manageable transition to current value assessment.

This government, led by Premier Mike Harris, had the management skills to reform the property tax system, which should have happened 20 or 30 years ago. Certainly it was out of date, and the results of that being so outdated were very unfair.

Just a few years ago, people in this province living in similarly valued homes on the same street in similar neighbourhoods in the same municipality were paying extremely different taxes. For example, two identical homes right here in Metro Toronto, one on each side of Victoria Park, one in Scarborough, one in Toronto—the one in Toronto was paying \$1,000 more in taxes. That, indeed, was unfair and just not right. It did not make sense.

In response, we introduced legislation that set a standard to reflect the current value of each property in Ontario. To re-establish fairness and equity, we needed to change a tax system that was in some municipalities so far out of date that it was based on assessed values of some 60 years ago. Obviously that was not fair, and it wasn't fair to the assessors either to be trying to figure out what this property, a new bungalow, would be worth back in 1942.

This legislation will protect Ontarians from large property tax increases that were imposed by irresponsible politicians who refused to use the tools we gave them. We offered quite a few tools back in the early part of our previous term, but you know it's far easier for them to always just blame it on the province: "We'll yell and scream and probably it'll go away and they'll take all the blame and we as the municipalities won't have to." That's why our government introduced Bill 79, which

was meant to limit the reform-related increases through percentage caps until the end of 2000. You will remember those caps were 10, five and five.

We also at that time made a commitment that, when it came to an end, we would return to looking at what was needed and bring in a level that would continue fairness here in Ontario. That's what this bill is about: continuing with five and five until equity is reached here in the province of Ontario. Therefore, today's bill is a continuation of our commitment to provide ongoing protection for businesses and to ensure a fair and equitable transition to current value assessment. This bill, if passed, will continue limits on reform-related tax increases and enable municipalities to use a range of tools to achieve the limits on tax increases. Of course, the tools that are being brought in on this occasion will have to work within that 5% maximum increase.

We're introducing this bill now so that municipalities and taxpayers will have full knowledge of the system as they move into their working year of 2001. They'll have full knowledge of what those caps are, particularly now that we're debating it. They'll have some indication that these will have a good chance of coming in.

This is different from other governments, especially the federal government. We're keeping our commitment to fairness in property tax reform. We've seen what has happened with promises from the federal Liberals. They promised to get rid of the GST and they didn't do that. They promised to do a lot of things in this great country and they failed miserably.

It's something like what we experienced right here in this Legislature just yesterday in the back-to-work vote for teachers. They wanted it and then they stood up and voted against it. Their leader had a bill in the House—I think it was Bill 14—going back to the early 1990s; I think it was 1992—and he was talking then about the importance of students and getting on with education, putting a maximum of 20 days that they could be out on strike, and couldn't go on strike after October 31 of any one year. Talk about a flip-flop. One thing we know for sure: when the leader of the official opposition takes a stand this week, it'll be different next week. Consistent flip-flops are a hallmark, a trademark of the Liberal Party of Ontario.

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The limits that we introduced on tax increases will ensure a fair and manageable transition from a badly outdated assessment system to the new current value assessment. I know there's a bit of confusion as the new assessment goes out—the three-year moving up—but that's moving on with current value assessment, and that certainly does not give municipalities the right to increase taxes. It's simply reflecting the value and the change in value of that particular property.

If this bill is passed, the Continued Protection for Property Taxpayers Act would require municipalities to limit the reform-related tax increases on commercial, industrial and multiresidential properties to that 5%. It does not in this case affect the residential. Of course,

Toronto had already brought in the 2.5% that was recognized some three years ago, and that is an option that the city of Toronto can continue with.

I mentioned a little while ago that there would also be some tools municipalities could use within that 5% range. Some of these tools would involve a simplified capping; optional property tax classes; a graduated tax increase limit. There would also be a tax reduction mechanism. There would be a simplified phase-in that they could also use, and a more flexible financing option. This would also continue to require landlords to maintain limits on tax increases for business tenants where the limits were previously applied.

Two previous speakers—the one from Huron-Bruce and also the member from Guelph-Wellington—were talking about the disabled and low-income seniors. They will continue to be protected, and well protected, with relief from the tax increases that might occur. It's also interesting in this bill that there will be protection for charities. Of course that is a mandatory rebate. If I remember correctly, the maximum would be 40% and the rest over and above that mandatory to be replaced, and the municipality could return all of their tax if they were gracious and respected the kind of thing the charity was doing in their community.

Furthermore, this act, if passed, would implement the new real-time approach to the taxation of vacant business properties, which of course has been a real difficulty with this particular concern in my riding. This new treatment would also be a new treatment for power dams, and that's going to be a welcome relief in my riding because we have power dams on the Trent River system that produce environmentally friendly power, the kind of power I'm sure you would want to see in this province. That was part of the bill we brought in on privatizing electricity production. It gave the opportunity for wind power and for water power a tremendous boost for the environment. All the electricity we produce doesn't necessarily have to come from coal-fired plants, or even gas-fired plants that are more friendly. What could be more friendly than water running downhill, driving a turbine and producing electricity?—similar with wind power. Recognizing these power dams in a more practical way, looking at their profits rather than looking at their actual property value, is certainly a fair way to go.

This also would make various other technical amendments to the Assessment Act and the Municipal Act to improve the equity and administrative effectiveness of the property tax system. If this bill is not passed, properties won't have protection from the possibility of being taxed on full current value assessment in 2001. But since the government stands for taxation fairness, and since this government agrees that business property taxes are too high, we are making significant changes. There is nothing in Bill 140 that would give municipalities any reason to raise taxes. In fact, we strongly advise against it. It is simply part of the government's plan to implement a fair and equitable property tax system, one which

ensures that similar properties are treated in a similar way.

The Acting Speaker: Comments and questions?

Mr Young: I want to take this opportunity to thank the member from Northumberland for the remarks he made. It is refreshing to have the opportunity to hear someone who clearly understands the content of this act and has the ability to explain it to others in the exemplary fashion he did this evening.

That member gets it. He understands that the reassessment that is underway now, that the notices being received by every property owner across this province, come from OPAC, the Ontario Property Assessment Corp. OPAC is a municipally owned and controlled corporation that is responsible for assessment services. What they have done is essentially taken a snapshot of property values across the province, a snapshot taken in June 1999, that is now being communicated to others, to the entire province, so that municipalities can act accordingly.

It is important to remember that a higher property tax assessment does not necessarily mean a higher property tax bill. The property tax assessment, the calculation of the value of the property in June 1999, is only one part, one portion, of the components that go into making up your property tax bill. The other part is the local mill rate or tax rate. Municipalities may determine how much money they have to raise and then apply an appropriate mill rate to the pool of assessment that is available.

It's up to the local municipalities. They have complete discretion to act accordingly and do the right thing. Most municipalities did just that during the previous three years. That's why, in the city of Toronto, an area I have the privilege to represent, there have been no tax increases at the municipal level, absolutely none, for the past three years.

The Acting Speaker: Further comments or questions? Response?

Mr Galt: What brilliant comments we had from the member from Willowdale. My compliments on his recognition of what was in the speech in his comments. He was certainly right on some of the things I was saying. He understood, not like the member from Kingston and the Islands, who was saying earlier that there was confusion, who didn't understand. It was very clear in his comments.

Some municipalities suggested that for local services they could deliver more efficiently than the province. The county of Northumberland has proven this statement to be absolutely correct. In fact they have saved taxpayers over \$2.7 million annually since the LSR came in in 1998. We think this is good news for the people in Northumberland, for my constituents. I think it's pretty good news as well.

We all recognize that municipalities had to prepare in order to deliver these new service responsibilities. That is why the government provided some \$364,000 to Northumberland in transition funding to do just that. This was money they could use to retool their business practices. I

would suggest that a saving of \$2.7 million annually for an investment by the province of \$364,000 was money that was very well spent.

A hallmark of our government is reducing taxes. The taxpayers of this province have benefited from over \$500 million in reduced costs since the 1998 trade occurred. We have had something like 166 tax cuts, while during that lost decade some 65 tax increases were brought in in this province.

2040

The Acting Speaker: Further debate?

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm pleased to have an opportunity to speak tonight on the second reading of Bill 140, the property tax assessment act, standing in the name of our friend the Minister of Finance. I want to make some observations that will in part be general, and one or two that will be specific.

I want to say at the outset that as long as I've been here, this is one of the really thorny problems that has confronted all governments. I can recall in 1975 one of the most powerful and forward-looking people I've known in Ontario politics, Darcy McKeough, wrestling with this very same issue. He got about halfway through the process before the political realities forced him on to a siding. Members of the government are quite right to say that governments in the intervening period of Liberal, New Democrat and Conservative governments faced the same problems and responded with varying degrees of heroism, or lack thereof.

We were offered some time ago the commitment that we would be moving to market value assessment, actual value assessment, or what is it, CVA?

Mr Wettlaufer: Current value.

Mr Conway: Current value assessment.

Mr Gerretsen: It's exactly the same thing.

Mr Conway: Well, Al Leach is now gone so I can say this: they are more or less the same thing.

I was listening to some of the previous speakers say what had or had not happened in their communities. All I can tell you is that in Renfrew county we had county-wide reassessment seven or eight years ago. It was a very difficult and painful experience for everyone, most especially municipal politicians. My friend the member from Kingston tells me it was about 18 years ago they had city-wide reassessment in his city. He tells me—I think he was mayor—that it almost cost him his job. If you've ever been through this, it's very tough. It was very difficult.

What is interesting to me is that when I look at what we've promised, where are we? I see some patterns here that remind me of the last 25 or 30 years, because at the end of the day this is about one's political pain tolerance. The member from Halton looks a bit incredulous, but it seems to me that what we've got here are a number of mitigating mechanisms to try to lessen the consequence of what it is you want to do. I understand that. Everybody is going to say in broad macro terms that this is the right thing to do. It's when you get into the details, when you

get into specific applications, that people recoil because it hurts.

Fairness and equity sound a hell of a lot better than they feel. I see caps, I see subsidies, I see adjustments, all of which I understand, and I will say to my friends here beside me who have not been through the experience of provincial government that I suspect, if we were faced with some of these issues, we would be bobbing and weaving to some degree as well.

It's tough. I look at some of these municipalities and I say to myself, how is it possible that in the 1980s certain Toronto properties were carrying property assessment discounts offered by the municipal government 75 years ago to returning veterans from the Great War? I'm sure there's a good answer, but that was a problem McKeough faced, it was a problem Nixon faced and it's a problem Ernie Eves faces. As my friend has said, this is the sixth or seventh response to this problem, this challenge, by the current government. We are a long way from the promised land and I agree with the Canadian Federation of Independent Business and others who argue that there should be what my friends in Quebec would call a policy of "étapisme," a step at a time. It took us a long time to get into this mess and it's going to take us considerable time to get out of this mess.

It is absolutely true that, as my friends from Kingston and Fort William have made plain, what we are now expecting property tax to shoulder is going to be an aggravating factor. If you are, as I am, a resident of a small city in eastern Ontario, you have a fairly limited tax base, and we have quite a limited industrial and commercial tax base. In that we are very different from a city like Oakville or Mississauga. You betcha. You start imposing health and social service costs on that kind of a relatively fragile property tax base and you are playing with fire. You better have several more mitigating measures in your arsenal to keep that flame to a manageable level.

In fact, I was looking at the chart that was provided by the CFIB, looking at the tax ratios in various communities across the province. My friend Phillips has been talking about Parry Sound. Parry Sound is a very nice place and I'm sure well represented by our friend the Minister of Finance. But I remember just a year and a half ago reading in the Orillia paper how the Minister of Finance had given a special half-million-dollar grant to his community to help relieve the cost of policing on the local property tax base. So how do I compare that with my community, which didn't get that? How many more of those deals are out there made locally or provincially? Let me talk about a deal.

I want to say a couple of things before I talk about the deals. Here I will be perhaps more critical than I want to be. This bill, 140, I submit is a true testament to the power of a special interest lobby. The Legislature is getting this bill six weeks before the current operative Bill 79 is sunsetted. It's getting it very late in the day. I can tell you, we're only getting it after it has been worked up and worked over by big-time lobbyists. I suspect this bill was written downtown in one of the big

law firms and I suspect that before legislative counsel got it, it was essentially crafted by a very small group of lawyers and consultants who were there to do the bidding not of the broad public but of some very big, powerful industrial and commercial interests. I believe that and I'm not going to stop believing it because I hear too much on the ground as to where the benefits are flowing.

But let's talk about one benefit that I can point to, and I want the House to think about this. There is in Bill 140 a provision to change the property tax treatment of hydroelectric power stations. I will submit that this is a good change. In my view, it supports good energy policy in the province of Ontario. So at that level, I want to congratulate the Minister of Finance for that change. But I then ask a second question: does that change benefit anyone?

Let me just tell you that Her Majesty's provincial government, through the Ontario Power Generation Corp, owns, at last report, something like 69 hydroelectric stations in Ontario. Those power stations produce something like 7,150 megawatts of electricity for the province. They are a hugely valuable asset to Her Majesty's government and to Her Majesty's citizens in Ontario. What have we done here? Let me say again that I support the objective to which section 92 applies, but it's a lot more than that. We have given to the owner of the vast majority of hydroelectric stations in this province a very substantial commercial benefit. You will know that this Legislature passed, just two years ago, a bill to restructure the electricity industry in Ontario, and as part of that policy Her Majesty's provincial government in Ontario must, over a relatively short period of time, reduce its ownership of the generating portfolio by a very large percentage. So we have good public policy here which I support, but make no mistake about it, we have given to the owner of those assets—now, there are other owners. I think of corporations like Great Lakes Power. They own and operate hydroelectric resources in the province. There are municipal utilities that own and operate hydroelectric assets in the province. But the overwhelming majority of the hydroelectric resources in Ontario are owned today by the Ontario government, and we are going to be required by an act of this Legislature very soon to sell a substantial portion of that portfolio.

2050

We will be giving ourselves, with section 92 of Bill 140, a very large benefit. That's a benefit that we can see. It's quite clearly set out in section 92 of Bill 140. I ask rhetorically, how many more of these benefits have we given that we can't see? I suspect they are there by the legion. Some of them may in fact speak to some kind of local or provincial public good, but because this bill is the handiwork of, in the main, very focused private interest lobbies, I suspect that a lot of these changes are going to visit substantial benefits to private interests. So my friends are right to say we have a multi-billion dollar part of the provincial municipal taxation world, most of which is going to be decided not in the Legislature but

behind the curtains at the administrative levels through regulation.

I was in Pembroke, where I live, talking to some business people the other day and they were walking me through some of their experiences with Bill 79. They are completely mystified as to how, in one case, a locally owned food store would have one kind of assessment and another nationally owned food store in a mall would seem to have a much more preferential treatment. The average person looking at these two businesses would say, by and large, that they are very much the same kind of businesses in the same community. But apparently the tax treatment is very different. I ask myself, has the chain benefited by a really well-organized, highly focused lobbyist in downtown Toronto working magic behind closed doors, all of it tucked way back in the fine print? I suspect there's probably some of that.

My friend from Kingston and my friend from Windsor have been on local governments; I haven't. This is a complicated business and there is a certain—what would I say? How many of us really know what's in this bill? I suspect very few. We're here to talk about basic principles, broad objectives. But for this Legislature to get this kind of a bill under these conditions without a lot of the regulations, without even knowing what the basic foundation is going to be for the tax year 2001, is really to stretch the point, surely.

Let me be fair. It's tough. It's not easy. We're dancing as fast as we can. But the idea that we are going to be out of the woods within six or 12 months to some kind of happy situation of greater parity and greater clarity is, I would have to submit, unlikely in the extreme.

Ms Martel made a point a while ago and she's absolutely right. Just before we got to Bill 79, whenever that was, two or three years ago, I remember going to two meetings. One of them was here, a very interested group of well-trained and highly experienced municipal clerks saying, "For God's sake, don't do this. You are just now going to compound the problem you're trying to fix." They seemed like a very smart group of public servants. I was at this meeting just after I'd come from a meeting in Trenton, where that local council was pleading with a number of eastern Ontario members, saying, "We know there's a problem, but please give us these kinds of instruments, give us some flexibility, and we can fix it, we think, a lot more fairly and a lot easier than you are going to be able to do with a big, blunt instrument being wielded out of Queen's Park." Both of those submissions of two years ago or three years ago, whenever it was, in retrospect certainly seem now to have had a lot of argument to their case.

I want to simply say again, when I look at what we have in Bill 140, and my colleague Mrs McLeod made the point, we've got municipal amalgamations in northern and rural Ontario. I represent a part of south Nipissing. I've got a municipality now that's amalgamated. We own 85% of the territory, as a provincial government. We are now imposing on that tax base all kinds of services that they've never had to pay for before. You talk

about tax ratios. Do you know the question they ask me in those communities, and rightly so? "Is the provincial government, as the owner of 85% of the land base, going to pay taxes?" Because Garry Guzzo might have a cottage, which I know he does out in Lanark, but he could have a cottage out in this territory. We're taxing him. His taxes are going up. The question property owners are asking in those communities, in that part of my riding which is in south Nipissing, is, "Is the government of Ontario, which owns 85% of the land in this township, going to pay any of the freight?" Unless I can give some kind of an answer to that, with some degree of permanence, all this talk about tax ratios is just so much theory, just so much talk.

Again, I was saying to my colleagues that in my community I own a home that according to this week's assessment is worth \$108,000. What would I get for it? I don't know. I'm not planning to sell it, but maybe I'd get \$105,000, if I was lucky. My taxes on that home in the city of Pembroke last year were, I think, about \$1,900.

Mr Garry J. Guzzo (Ottawa West-Nepean): The new mayor is going to bring them down.

Mr Conway: The member says that maybe new developments will bring them down. I look at some of these charts that have been distributed with this bill and I ask myself the question, how are some of these communities with relatively fragile tax bases going to survive? Amalgamation may help in some respects.

I see my friend from Ottawa West-Nepean here. In Ottawa, for example, and it's not alone—we've got Kingston and Sudbury, communities where there is substantial hospital restructuring. In Ottawa I think we're looking at something like \$243 million worth of capital dollars for hospital restructuring. There are some people in the community who think part of that should be assigned to a property tax base. I know that in Sudbury they've already had that debate.

The issue, surely, that the Legislature has to deal with is, what is fair to impose on a property tax base? I understand the argument from the government that we should be fair to business. There is an argument to say that over the decades there has been a tendency, both locally and provincially, to load a disproportionate amount of the burden on industrial and commercial properties. But are we now going to see the pendulum shoot to the other side and ask the senior citizen living in Pembroke in a modest home to pay for not just social housing, not just land ambulances, but perhaps even other costs that used to belong to the province and may not now or ever need to be, or should not be, attached to a property tax base? Those and other issues give me a great deal of pause.

The Acting Speaker: Comments or questions?

Ms Martel: With respect, I appreciate the comments made by the member for Renfrew-Nipissing-Pembroke, particularly with respect to the changes to the Electricity Act, which haven't been touched upon this evening—they may well have been last night, but I didn't have the pleasure of being here—since those are important changes that are being considered.

What I want to follow up on, though, is a point he made with respect to how much some of these municipalities can bear. I would just like to look at our own example. This government has forced restructuring in our own community and we will now become the city of greater Sudbury. We've also had a forced restructuring of our hospital services. This government's hand-picked transition team in that regard made a decision to close two of the three hospitals and expand the third quite significantly.

2100

The problem is that between that expansion at the hospital and the expansion at our cancer treatment centre, which absolutely has to happen if we're going to try to keep waiting lists under wraps, and with the expansion of a site to provide for more long-term-care beds, the total local share to pay for these three capital projects is now in the order of \$45 million. That is certainly why there have been a number of discussions at our regional council about how we are going to pay for this. Regional council traditionally has supported capital projects in our community. They supported the new cancer treatment facility when it was built; they've made a number of other donations through the property tax base to capital construction. But we are now looking at a \$45-million local share that we have to fund.

When I come this evening and say I am extremely concerned about the government's property tax changes because I know the increase is going to fall on homeowners, there's a reason why I have that concern: because over and above the download of services, we've now got to deal with this hospital restructuring and that download, and some of the decisions that have come from the transition board which are also downloaded on to our community.

Mr Chudleigh: The member for Renfrew-Nipissing-Pembroke makes a number of interesting points, as he always does. He's a great orator in the House. He mentioned Darcy McKeough, a former Treasurer of this province, a really great Treasurer, a man who, in 1976, talked about bringing forward legislation similar to what we have been struggling with and been bringing forward over the past five years. He was certainly a man who was ahead of his time. I think that was proven by the success he had when he went back into the private sector and guided Union Gas, whose head office is in Chatham, to long-term success in his chosen field of energy management.

Perhaps if the bill that he introduced in 1976 had been passed, some of the problems we have today, 25 years later, wouldn't be quite as acute. Perhaps if the next government of the day, the government of—the next Treasurer, I think, was Larry Grossman. Was there somebody in between him and Larry Grossman?

Mr Duncan: Frank Miller.

Mr Chudleigh: Frank Miller was Treasurer in between, and nothing happened, and nothing happened with Larry Grossman as far as municipal reform was concerned. Then the Liberal government took over in 1985;

nothing happened there. Nothing happened with the NDP government. Here we are some 24 years later, after Darcy McKeough started the initiative, and we are trying to catch up over that 24-year period to introduce some fairness and equity to the municipal tax system that would produce a much more fair tax system for all the people of Ontario.

Mr Duncan: I'm pleased to respond to my colleague from Renfrew-Nipissing-Pembroke. He is one of the members of this House—and there are members on all sides—who are really worth listening to, because you learn something when they speak, not only in terms of insight about the bill, but a little bit of the institutional history of the issue.

As I recall, the member raised three very significant points that struck me. Number one, he talked about what's in the bill that we don't understand. He used the example of the Hydro situation, which he is very familiar with. My experience with the past attempts by the government to make these kinds of sweeping changes is that there were a lot of things that weren't understood; some for the good, some for the bad, quite frankly. I know that after the first attempt, this is now the eighth bill where we're correcting past changes. One of the changes that resulted as part of their initial set of changes would have in effect driven many small businesses out of the downtown core of my home town, Windsor, because of the impact it had on these properties that hadn't been reassessed in many years. Then of course these caps, which we see extended here in this bill, were put on.

So the other point my colleague made was that this is not the end, this is not a perfect world. He said, and I felt he was accurate in reflecting, that yes, indeed, the government has taken on a tough issue. The government's made mistakes and it's incumbent upon the Legislature to look carefully at those mistakes. I think we can't see all of the outcomes here in this bill just yet.

Another issue he referred to was the inherent shifting within the bill, the inherent shifting of the balance of taxes, whether it's between industry groups or, in the case of my community, between commercial and small business ratepayers and residential ratepayers. My community is one of those where residential ratepayers will see substantial increases over time, even if the municipality is able to hold the line on expenses.

I felt the member shed some very insightful light into this particular debate.

Mr Young: I thank the member for Renfrew-Nipissing-Pembroke for his comments. He is indeed a very fine orator and he provides his comments, by and large, in a balanced fashion, far more so than most of the members of this assembly. For that I applaud him.

I also thank him for referencing the Canadian Federation of Independent Business, the CFIB. It's almost trite for a political party to say nowadays that they support small business. We all support small business; we all believe that small business is the engine that drives this economy or certainly plays a large part in that regard. So it is not surprising to have an organization that is the

spokesperson for small and medium business across this province—in the country, indeed—quoted. But I think it is particularly important to quote what they have said about this particular piece of legislation, not what they had said about some concerns they had about assessment and inequities that have developed over four or five decades. They said, “We believe you are seeking to strike a balance between encouraging the municipalities to be responsible in their handling of property taxes and mandatory measures/provincial regulatory powers should the municipality choose not to be responsible.” That is in correspondence dated November 16, 2000, signed by Judith Andrew, the vice-president of that organization.

She goes on to state, and once again I quote from her correspondence, “We also note and appreciate your announcement of the acceleration of the province’s planned business education tax cut by \$130 million, resulting in a total benefit of \$325 million annually.”

So it is true that the CFIB is an important spokesperson, but it is also true that they are very supportive of this legislation, and that should be considered by all the members when they decide to vote in due course.

The Acting Speaker: Response?

Mr Conway: I appreciate those comments. I gather from my friends in my caucus who’ve spoken to Ms Andrew and some of the people at the CFIB after the bill had been digested that they have slightly amended comments to what was just indicated.

But let me summarize by saying a couple of things. I think that in the matter of property tax change gradualism is a good strategy, transparency is a good strategy; I regret that this thing is as muddled as it appears to be. Other than a very few consultants and experts, I don’t imagine very many people are going to understand it.

Make no mistake about this: as much as we want to provide relief to the business community, given what we’ve done in terms of essentially capping what business is going to pay in terms of property taxes, for whatever good reason, and shoving soft services like land ambulances and social housing down on to the property tax base municipally, we are creating a situation where there is going to be enormous pressure on the residential property tax base. God help the provincial government if this economy starts to slow down, and instead of getting annual growth rates of 4% and 5%, we get something like 1% or 2% growth, and not all of it evenly distributed across the province, because this tax structure that we are moving toward is being floated happily on, as one of my colleagues said, the longest post-war expansion we’ve known. The business pages of today’s papers suggest to us that maybe, just maybe, there really is a soft landing. Maybe the soft landing is going to be a hard landing. I hope not. But there are real shifts and consequences to those property tax shifts that are being occasioned in part by Bill 140, and sadly most of the shift is going to be, it appears, on to the backs of residential property taxpayers, not just in Pembroke, but in Ottawa and in Shining Tree.

The Acting Speaker: Further debate?

2110

Ms Martel: It’s a pleasure for me to participate in the debate here this evening. There’s nowhere else I’d rather be, I’m sure. I’m sure all the other members feel the same way. I will be guided by this clock instead of that one, because I don’t really have an intention to come back here to speak for two minutes tomorrow if I don’t have to. I assume my remarks will be about 18 minutes or so and will wrap up when it is time to leave here this evening.

I’d like to make a number of comments here this evening about this bill. Where I want to start, as a reference point, is to go back to what I’ve heard some government members here say this evening, which is, “It takes great courage—and we were the government that showed courage—to try and reform the tax system.” Well and good, if that’s how some of those members want to perceive their role in tax reform, the role that they’ve played.

It takes courage to actually listen to the experts and implement what those experts know about the tax system. That’s what takes courage. It takes courage to try to change a system that may well have been wrong for many years, not over a short period of time as you ram it down people’s throats, but to gradually try to implement the change, along with the funding that needs to go for that to make sure you do it right. That’s where this government has gone completely off the rails. It doesn’t take courage to ram seven bills down people’s throats. That is, realistically, the sad story that we have here.

I go back to the period before we were debating Bill 79. That was almost two years to the day this evening that we debated that bill. The government, up until Bill 79, from 1995 to 1998, had no less than six bills allegedly in place to try to reform the tax system. Each bill was brought in to correct errors that had been made in the previous bill. Any member in this Legislature who has been following this will know that that is exactly the case. We were faced with, in that three-year period, no less than six bills, each one trying to correct mistakes made in the last. Regrettably, Bill 79, which we debated almost two years ago to the day this evening, was no different, because that bill was brought in to try to address some of the problems in Bill 6.

What was even more astonishing as we debated the bill that night was that in fact the Minister of Finance—I think it was his parliamentary assistant at the time—had to come into the House and admit that we would have to go into committee to deal with a clause that the Minister of Finance had left out in Bill 79. That clause was to cap multiresidential properties. That had been left out. So even in that bill, number seven, to fix six problems from before, we had to actually move into committee to make another amendment.

If the government had at all wanted to take the time and listen to the experts, I don’t think the government would have found itself in that unenviable position. There were experts out there who wanted to be heard, who did everything they could to be heard, whom the

government regrettably chose to ignore. One of those groups in particular was the association of clerks and municipal treasurers in the province who have many years of expertise in dealing with taxation matters.

As we debated Bill 79, on that very day that group called a press conference and made public statements that that bill, again, would not fix the problems from before nor would it resolve the inequities that are in the current system. But the government was in such a hurry—Speaker, you'll recall that they were operating yet at another deadline—that they chose to ignore what that association had to say. That situation was compounded by what I call the drive-through, fly-by-night assessment that the government did during that period to try to get some base of information with respect to tax rolls. Any number of people could tell you it was fly-by-night, drive-by assessment that was being done during that period. That as well led to many of the inequities that we're still trying to resolve here today.

The problem we've got, and I'll repeat it again, is that it doesn't take a lot of courage to ram stuff down people's throats without consulting with the experts because you've got a legislative deadline to meet. It does take some courage to say, "You know, after six bills and number seven maybe we have made some mistakes. Maybe it's time we started to listen to what some of these clerks and municipal treasurers have to say. Maybe it's time we slowed down and tried not to fix overnight what has been a long-standing problem." Surely that would have been in the best interests of Ontarians.

Here we are this evening, dealing with yet another bill which, frankly, again doesn't deal with the inequities and doesn't resolve them. I am interested in and look forward to seeing what the association has to say about this bill. I contacted the CAO in the city of greater Sudbury today because the city certainly had some comments to make with regard to Bill 79. They are so busy dealing with decisions that were made by the unelected, unaccountable transition board in my community that the finance staff has not yet had an opportunity to deal with this bill. But I look forward to their comments and I would look forward to the comments of the clerks and treasurers, because it would be interesting to see if they believe, two years later, after the fiasco that we dealt with between 1995 and 1998, that the government is finally starting to get this right.

Let me deal first with one of the issues that was raised earlier, and that has to do with the exemption from taxation for both seniors and the disabled. We know that in Bill 140, a municipality will now be given the power to defer tax increases for low-income seniors and disabled persons, tax increases that come from property taxes that have to be raised to deal with downloading and tax increases that come with future reassessment. I raised a very specific question with the government backbenchers that has yet to be answered. That question is: with respect to tax relief, who is going to pay? Is the province, that is allegedly so concerned about seniors and the disabled, going to provide the necessary funds to

municipalities to offer that tax relief to seniors and the disabled in their communities? Or is the government, once again, going to download that financial cost on to the municipalities? I asked that very specific question and I didn't get an answer. I am left to assume that the answer is no, that it is the municipality that, among all of its other costs and expenses and services that it's trying to deliver, will now be forced to also find the money necessary for that tax relief.

So despite everything the government representative had to say tonight about how they care so much about the disabled and seniors, the government itself of this province is not putting any money on the table to guarantee that that tax relief will actually be provided. I think if the government is serious about its alleged concern for seniors and for the disabled, then this government, in this time of great economic prosperity, will ante up the provincial funding necessary and flow that to municipalities to guarantee that seniors and the disabled will actually see that relief in the form of money back in their pockets. But I suspect that's not something the government wants to do, and I think that's why I didn't get an answer to that important question this evening.

The problem with the bill is that at the end of the day in my community, in Hamilton, in Niagara and in many other communities any tax increases that come will be borne solely by homeowners, by residential taxpayers, by families in the province of Ontario. It does in my region, it does in Hamilton and it probably does in your community too, Mr Speaker. As such, I think this bill sets us up for an even greater loss of services at the local level. I say that because, over and above all the costs that municipalities have to bear with the download, and those costs are substantial, we also know that municipalities are not going to want to raise taxes to provide those services and have solely residential taxpayers in their communities bear that cost. That's not a political gamble they're going to want to take, so many of them won't, and the end reality will be that many important local services which our residents need, like our seniors, like the disabled, are just not going to be delivered in our communities. Who benefits if that's the way this scheme is going to work?

2120

I continue to be really worried about the costs of the download, which are costs that have not been fully seen at the local level. This government was very quick to download costs of ambulance services 100%, child care, 100% of public health, 100% of municipal transit, 100% of assessment for property tax, and water and sewer assessments as well. The government was quick to do that and to try and claim that it was revenue-neutral, that there would be no reason at the local level to increase taxes. Yet we saw as recently as yesterday that the Provincial Auditor, in his review of land ambulances, tells a very different tale. In the audit that was released yesterday, not only did it talk about the terrible rate of response times of land ambulance operators and how that was putting people at risk, but the auditor also made very

clear the costs that municipalities are going to have to assume when this downloading of land ambulances occurs.

The ministry in 1998 estimated that it would be about a \$40-million additional cost and about \$11.6 million in one-time funding that would be needed to get up to current response times. The auditor in his report yesterday said the cost is closer to \$100 million, that the government has underestimated the cost that municipalities, taxpayers at the local level, are going to have to bear once they assume 100% of these costs and once all these costs have been fully realized. So we're looking at \$100 million in costs, and I suspect it's probably even higher than that.

In my own community, as recently as November 8 a resolution was passed by the regional municipality to request that the province of Ontario, through the Ministry of Health, reinstate the hours and the funds needed to bring land ambulance service to the 1996 provincial standards, as they are their own standards—"their" standards being the Harris government standards.

So this problem of downloading has not gone away, has not diminished, has not decreased. It's very clear, a large council like my own which represents over 140,000 people continues to understand very clearly, that there is no neutrality with respect to the costs that have been downloaded and what the province has picked up. In one case alone, which is ambulance services—albeit that's a major cost that has been downloaded—they know we're going to experience much more of an additional cost. That's why they are back to the province to ask for money just to meet the standards this government set in 1996, which we haven't been able to meet yet because we haven't been able to afford to do it.

My concern is that that is only one of the services that has been downloaded where we're starting to see the additional costs and starting to figure out how we're going to try and pay for them. In that regard, recognizing clearly that as soon as this bill is passed, those increased costs and others that come from the download will be solely borne on the backs of homeowners, residential taxpayers, families in Ontario, where is the fairness in that? This government describes this as a bill that provides and continues the fairness. Many people would argue that they haven't seen it yet and they don't expect to as that download continues. If we're going to bear

these additional costs for land ambulances and many others, if they're going to be borne solely by families, where is the fairness in that?

The other problem we've got that many other municipalities haven't is that the transition board—unelected, unaccountable—that was put in place by this government has also made a number of financial decisions which will have a direct impact on the tax base in our community. One most recent decision they made was to cut the Development Charges Act. Those are the charges that developers would pay to create residential housing in our community. They're going to cut those charges and in effect create a municipal subsidy for developers in our community to build residential housing. The argument the transition board made was that it would be good for residential housing. The problem was that a 1986 study done in our community on this very issue showed that there was no evidence whatsoever to support that, given a municipal subsidy, developers would create more housing; none at all. But now the transition board, without the consent of elected officials, without having any vote by municipal taxpayers, has made this additional change, which will again result in a huge cost to our municipalities. In fact, homeowners, residential taxpayers, are going to now be subsidizing even further some of the developers in our community.

As I wrap up, because the hour is late, I don't think this bill, once we get a chance to look all the way through it, will really deal with any of the inequities or discrepancies that came from the other seven bills that were before it. I worry about that, because with this bill in particular it is very clear that any tax increases will have to be borne by homeowners, by residential property taxpayers, by families. Those costs in our community continue to be very significant. I suspect they are significant in many communities across the province. With those increased additional costs from downloading, with the increased costs we have to bear in our communities with hospital restructuring, with the increased costs we have to bear because of the decisions from the transition board, I wonder how residential taxpayers in our communities are really going to cope financially.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until 10 o'clock tomorrow morning, November 23.

The House adjourned at 2127.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 23 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 23 novembre 2000

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

PUBLIC HOSPITALS AMENDMENT ACT (PATIENT RESTRAINTS), 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES HÔPITAUX PUBLICS (MESURES DE CONTENTION)

Ms Lankin moved second reading of the following bill:

Bill 135, An Act to amend the Public Hospitals Act to regulate the use of restraints that are not part of medical treatment / *Projet de loi 135, Loi modifiant la Loi sur les hôpitaux publics pour réglementer l'utilisation de mesures de contention qui ne font pas partie d'un traitement médical.*

The Deputy Speaker (Mr Michael A. Brown): The member has up to 10 minutes to make her presentation.

Ms Frances Lankin (Beaches-East York): I would like to ask unanimous consent to add five minutes from the time of the New Democratic caucus to my opening statement of ten minutes.

The Deputy Speaker: Ms Lankin has asked for unanimous consent for five minutes to be added to her time, to be deducted from the New Democratic caucus's time. Agreed? Agreed.

Ms Lankin: I want to begin by saying to my colleagues, who have been quite wonderful over the past year as I have gone through many struggles with my mom's health and who have come to me on countless occasions and asked me how my mom is doing, that if I had a dime, a dollar, for every time I've been asked, I would be a wealthy woman financially, but I am wealthier for the generosity of human spirit that is displayed among colleagues in this place and many of my constituents. I thank you all for that.

Many of you know by now, because I've spoken to you over and over again about what has happened, the personal story that has brought me here today with this private member's bill. It's often said, and it's almost become a cliché, that the personal is political. Today is a demonstration of that.

I'm not going to take the time to relate again my personal story because today I have the opportunity, the

honour, as an elected member of the Legislature to move this to the public, to move this to the political, to do something that will affect not just my mom and my personal situation but hundreds, if not thousands, of seniors and their families in this province.

I was shocked following the experience my mom and I had to learn that every day in Ontario thousands of Ontario's elderly people are restrained in our public acute care hospitals, not because it's part of their medical treatment, not because they are necessarily a danger to themselves or to anyone else, but because they're old, because they're confused and because the system doesn't know how to respond to the growing challenge of aging, the growing challenge of treating patients, not just for their illness or for the trauma—the reason they may present to the hospital—but the whole senior, in many cases seniors with confusion, with dementia.

Currently in Ontario there are laws in place under the Mental Health Act to deal with the issue of restraint if someone is in a mental health ward of a hospital or in a psychiatric hospital. We know what has to be documented. We know when restraints can be used, for how long, how the patient has to be monitored. There are also laws governing those people who are living in our long-term-care facilities—nursing homes, homes for the aged. Again, those laws are there to not just regulate when we use restraints and how we use them, but to try to set an atmosphere where we look to doing everything else before we consider the use of restraints. But in our public acute care hospitals there is no such law. There is common law. It is a criminal assault on a person—forcible confinement—to tie them up against their will. We have consent-to-treatment legislation in which, if a person is not capable of making a decision for themselves, their family must be involved. But that law, a law that I was proud as a Minister of Health at one point in time to shepherd into being in this province, a law that I thought would cover situations like this, routinely doesn't.

Let me tell you what my law would do. It would set up a situation where it is prohibited to use restraints that are non-medical except in certain circumstances: in an emergency situation where someone is presenting as a clear danger of perpetrating serious injury on another person or themselves, and there are times when you can imagine that would be the case. But when a restraint is going to be used, this law would say that a doctor has to actually see the patient. It can't be just a standing order that when you present at emergency rooms, because you're old and elderly, someone writes on your chart—it even has a shorthand—"PRN," physical restraint if

necessary, and that follows you through the system. You would actually have to be seen and assessed and a determination made, and if restraints were applied, you'd have to be monitored every 15 minutes to make sure that you were OK.

There are documented cases in this province and around the world where patients have died in restraints, where they've been left in restraints, where they have strangled. In one case, a patient set the restraint on fire to try to get free and died in that fire. They would have to be monitored. Their position would have to be moved every hour to alleviate problems of the restriction and bedsores and all sorts of other problems that come from that. Every two hours the order would have to be reviewed.

Those are a set of guidelines that say, if you're going to do it, what you have to do. But what's more important, what's at the heart of it is that you would have to document that restraint and you would have to document that you had explored all of the least restrictive options. That's where the problem is in our hospitals—a problem of resourcing, a problem of an understanding in our hospitals of what is age-appropriate care. We need to do much work, in addition to the law, through education and through a change in our attitude. We have many elderly patients in our hospitals, and we know with an aging population that's going to continue to grow.

Why are people being restrained? The most common reasons given are to prevent the person from falling and injuring themselves or to prevent them from pulling out an intravenous tube. All of the research shows that doesn't stand up to the light of day. People who are restrained become more cognitively impaired, more agitated, more confused and more likely to fall once the restraints are taken off. There's no evidence to show that the restraint actually prohibits someone who is in an agitated state from pulling out an intravenous tube. In fact, what the research does show is that this is a serious problem for the individual's health.

1010

If I may, some of the things that result from a person being restrained: there is certainly evidence of physical damage; pressure sores; infection; incontinence, both bowel and bladder; decreased appetite; constipation; deconditioning; muscular atrophy; weakness; and death. But there are also psychological effects. It is an attack on the heart and the soul of these individuals. There is the sense of social isolation, there's panic, there's fear, there's anger, there's apathy, there's withdrawal, there's depression. Imagine being in a situation where you're unable to communicate well and finding yourself tied, restrained, unable to move, sometimes for hours, throughout a whole night.

I can't understand anyone who could object to the concept of the legislators of Ontario speaking up on behalf of some of our most vulnerable citizens and saying that this can't happen, this can't continue to happen.

Many will tell you that there are policies already in place in our hospitals. It's true. We've had a number of

coroners' inquests that have given clear direction that there should be laws, there need to be policies. The Ontario Hospital Association, for example, has developed policies; many hospitals have policies. But I am telling you, from reading the research that has been done, from talking to the front-line deliverers of service—the nurses, the geriatricians—those policies are not being observed. It's not being monitored.

One set of researchers here in Ontario—they've done much larger research, but in one hospital they went in and looked at patients over the age of 75 at 10 o'clock in the morning and found 70% of them restrained. At 10 o'clock in the morning. Do you know what else they found? It wasn't written on the charts. We do not have effective monitoring. We don't have a culture that understands what we're doing to people. The OHA's response to my bill is that they're very sympathetic but they don't want to see hospitals furthered burdened by regulation.

Again, I'm reminded of when I was Minister of Health and I brought forward the issue of routine referrals for organ donations. The OHA responded, "We understand. We will handle this through education and through policy. Don't regulate us further." Good intent; it didn't work. Here we are in the Legislative Assembly some eight years later about to pass a law to regulate hospitals around routine referrals of organ donations.

I don't accept the Ontario Hospital Association's argument. I do wholeheartedly accept their offer to bring together people to work on updating the policy, to provide education, to find a way to effectively monitor, but it must be underpinned by law. I also, with great appreciation, accept the RAO's offer. If the Ministry of Health provides funding for another best-practices study—they're currently doing 10 in areas of best practices in nursing right now—they're willing to add an 11th, with funding from the ministry, to look at this issue of physical restraint. I welcome that. All of the education, all of the hands-on work that needs to be done is an essential part of making this law that I'm proposing effective. But it must be underpinned by law.

Let me say to the members opposite, because there are concerns that the words in my law may not be appropriate in all cases, maybe I've got the timelines wrong, maybe they should be monitored more frequently or less frequently, there is room for change. I have said to the government that I believe in the end a law that sets out a general prohibition and refers to exceptions, and those exceptions and conditions are set out in regulations, is the appropriate end result of this. To do that, we need to go to committee. To get to committee, I need the support of members in the House today.

I have had considerable support from the community on this bill. I want members to know that although I've been working on it for a very short time, we have letters of support and endorsement from groups such as Concerned Friends of Ontario Citizens in Care Facilities, the Older Women's Network, the Ontario Coalition of Senior Citizens' Organizations, the Alzheimer Society

the Ontario Psychogeriatric Association, the Geriatricians' Alliance. Just yesterday the Canadian Association of Retired Persons, which represents over 400,000 retired persons across Canada, over 230,000 of them here in Ontario, endorsed this bill. Ty Turner, the chief of psychiatry at St Joseph's Health Centre, has endorsed this bill in principle. The Ontario Nurses' Association has said they believe this issue needs public debate in committee.

I've indicated to you that both the OHA and the RNAO say they're very sympathetic to the issue and have other suggestions on the way we should go about it but, again, are fully supportive of the concept of a public debate and getting to the right answer to how to handle this situation.

All of those people who have endorsed this accept the concept that at the end of the day the law we pass in Ontario may not be worded verbatim as I have proposed to this Legislature, but they understand my goal of provoking the debate and of setting forward a bill that cobbles together best practices from around the world.

I want members to know that this is an issue that has been looked at in great detail in other jurisdictions. Do you know in the British Isles it is very rare, if ever, for restraints to be used on the patient population that I have referred to. Additionally, with all of the research that's done, a growing body of evidence, other jurisdictions that have used restraints in the past are moving to do away with them. For example, in the United States a national policy has been passed which is very similar to what is in my bill. Adherence to this national rule is a condition of participation for hospitals in getting Medicare or Medicaid funding. Legislation in place in New Hampshire has resulted in a 20% reduction of the use of restraints. In North Carolina legislation similar to Bill 135 has been introduced in its legislature. British Columbia has already passed legislation governing the use of restraints in hospitals.

People are coming to understand that we have an aging population. In this province, one of the sad things I have to observe is that at a time when we need more and more experts in this area, we are losing our core stock of geriatricians, the specialists who understand, who can help us chart the appropriate full-person care for the elderly. That's another issue we will have to address as legislators. But that group of people understands the indiscriminate use of restraints in our hospitals. Research that has been done shows that, for example, in the United States, 17% of patients routinely experience restraints, and they believe that's too high. In Ontario it's up to 33%. We are lagging behind the world in standards, in understanding the appropriate care.

This is about people's dignity, a right of treatment with dignity, a right of treatment without having the very essence of liberty assaulted. I know that members of this Legislature agree with the sentiment behind my bill. I pledge to work with them to get the right words so that as a Legislature all of us can agree to the content of the legislation that will go a long way, along with the educa-

tion, along with the hands-on practice and demonstration, along with the efforts of all of us in this system, to do the right thing by our elderly, by our frail, by our foregoing generation.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to be here today to speak on Bill 135, An Act to amend the Public Hospitals Act to regulate the use of restraints that are not part of medical treatment, brought forth by the member from Beaches-Woodbine. I understand and share the concerns of the member for, I should say, Beaches-East York about the inappropriate use of physical restraints in public acute care hospitals. We need to find ways to address this problem to protect the frail elderly. However, I believe that the objectives of this legislation can be better achieved through the health care professionals who provide patient care. I understand that the Ontario Hospital Association has a position paper on the use of restraints. This paper was developed to address issues related to the use of restraints on patients in hospitals and to provide guidance to hospitals in the development of their own policies and procedures.

While this bill only addresses physical restraints and not chemical and mechanical restraints, the use of any of the above types of restraints is a clinical decision made by the patient's caregiver based on the physical and mental condition of the patient. I believe it is the role of the hospital to provide specific policies and procedures on the use of restraints that are appropriate to their own hospital. Most, if not all, hospitals already have their own policies regarding restraints. The Ontario Hospital Association, in a recent letter to the Honourable Elizabeth Witmer, Minister of Health and Long-Term Care, stated that they were "prepared to work with member hospitals in co-operation with their clinical partners to examine existing guidelines and to develop new guidelines that incorporate the most current clinical practices respecting the use of restraints." The OHA's position paper provides a statement of duty, which clearly states that when a restraint is necessary, "hospitals should ensure that their policies related to restraints are consistent with the policy of least restraint, and that restraints may be applied only when justifiable."

1020

Our government has taken many steps to help improve our hospital system. In 1995, when we took office, we faced a health system that was not prepared to meet the growing needs of Ontarians. Ten thousand hospital beds were closed between 1985 and 1995. No long-term-care beds were built between 1988 and 1995, despite the growing and aging population. Home care was mismanaged and underfunded. Hospitals were technologically unprepared. Our government has endeavoured to ensure that the health system is accessible to all Ontarians now and well into the future.

We have increased total health spending by \$4.4 billion, to \$22 billion, up 20% from 1995. Since 1995, community care spending has increased by 63%, to \$1.6 billion. We are currently building 20,000 new long-term-care beds in Ontario. We have put \$2.3 billion into

hospitals, for the biggest capital expansion in history. Our government continues to increase necessary funding to hospitals to improve our health care system.

However, we should not be in the business of creating legislation where we attempt to regulate decisions for health care professionals that are clinical in nature. The health care provider is the one who makes the decisions as to whether or not a patient needs to be restrained, if they are at risk of causing serious bodily harm to themselves or to others. All situations are different, and the health care professionals have the knowledge and the experience to make the tough decisions. We are listening and the stakeholders have told us that the objectives of the bill can be achieved without introducing regulations that could constrain health care professionals from exercising their best clinical judgment for each case.

In conclusion, I would suggest to the member for Beaches-East York that we should allow the Ontario Hospital Association to examine the guidelines and build upon them with member hospitals, in co-operation with their clinical partners on clinical practices respecting the use of all types of restraints. I respect the member's wishes in terms of what she's trying to accomplish here today and we're going to hear other views on that.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I'm pleased to speak in support of the bill that has been presented by the member for Beaches-East York. I want to do so not only in support of the principles and the direction of the bill, but in recognition of the personal distress which has led the member for Beaches-East York to bring this forward. It seems to me that the reason private members have the opportunity to bring forward legislation is because very often it's the reality of personal experience that shows the necessity of new legislation and changing laws. I don't believe any one of us in this Legislature can tolerate knowing of the kind of treatment Ms Lankin's mother received—"endured" is a more appropriate term—and not want to act. The least that we can do today is to support the legislative action she has proposed.

Ms Lankin's bringing forward this legislation has made us aware that the protocols regarding the use of restraints, the kinds of protocols that already exist in the Long-Term Care Act, the kinds of protocols that are in place for those who are in psychiatric hospitals, simply do not exist for patients in acute care hospitals. I'm not sure, indeed, that the specifics of the protocol set out in this bill would or should be found to be exactly right on more detailed consideration, on further consultation, and the member for Beaches-East York has acknowledged that she is more than willing to work to fine-tune the legislative proposals she has placed before us this morning. What I am sure of is that this legislation should receive second reading support today so that it can go on to committee and receive that kind of consideration. Furthermore, I want to see this legislation return for third reading and be proclaimed into law.

This is legislation that will indeed force acute care hospitals to examine their use of restraints. It's evident

from the personal experience Ms Lankin had with her mother that there need to be clear guidelines in place for our acute care hospitals, guidelines both for the use of restraints and for monitoring when they are used.

I believe that in some hospitals, as she has indicated, there are policies in place. I believe it is also true that they're not always enforced, even when they are in place. I hear the concerns of the Ontario Hospital Association that they don't like to be overregulated, but I also believe that good legislation is consistent with good policy and in fact good legislation can be the spur for good policy as well as for its enforcement. I believe that's what we're dealing with this morning.

Unfortunately, legislation cannot minimize the use of restraints to the extent I think we would all like to see.

One of the reasons restraints are likely to be overused is a lack of staff to give personal care that's needed. I'm not offering excuses for the outright neglect the member for Beaches-East York has described, but I am concerned when we don't have enough nursing staff to provide appropriate care to non-critical patients. I am concerned when uncertainties around hospital budgets lead to the hiring of part-time casual nurses and private agency nurses who simply don't have enough knowledge of their patients to provide more personal and appropriate care.

I am concerned about our long-term-care facilities, where there may be only one nurse to 300 or 400 patients at night because there are no requirements for minimum nursing care. I am concerned that in those long-term-care facilities we're hearing from staff who believe their personal safety as well as the safety of the residents is in jeopardy, in spite of the existence of a patients' bill of rights in the Long-Term Care Act and clear protocols for such things as the use of restraints. It is no wonder that under these kinds of circumstances staff in our hospitals resort to the use of restraints.

The Geriatricians' Alliance has said, and they're offering their support for this bill, "We do not condone the use of physical restraints as a substitute for adequate staffing," nor should we, but we do need adequate staffing. The Geriatricians' Alliance also stresses the need to educate hospital staff in how to manage patients without restraints. The alliance says we need that education and that we need hospital policies and legislation to prevent the indiscriminate use of restraints.

There are other facts from the Geriatricians' Alliance that are sobering, if not shocking, and the member for Beaches-East York has mentioned some of those. I was shocked to find out that the use of restraints is much more frequent in Canada than other countries. In the US, 7% to 17% of patients in acute care hospitals may find themselves in restraints at some point, whereas in Canada up to 33% of patients may experience the use of restraints. I was sobered to know that half of the patients who die in hospitals have been restrained at some point.

I have only a few more seconds left and I want to conclude by recognizing the support that's been offered by the Alzheimer Society for this bill. The Alzheimer Society has said that the most predictive factors of re-

straint use are age and confusion. Surely we can respond to the confusion of an older person with dementia without having to tie them up, without having to add to their confusion and distress. As disturbed as an Alzheimer's patient may be, that person is a feeling person. They need gentle care and not restraint.

My personal experience with my mother was fortunately different from that of the member for Beaches-East York. My mother spent the last three months of her life in a long-term-care facility. I had the good fortune that she was placed in a facility where they subscribe to the philosophy of gentle care for Alzheimer's patients, and they struggled to provide that gentle care regardless of the limitations of staff which were, in terms of shortages, very real.

My mother only had three months there before strokes took her life, but in those three months she was happier than she had been for many months prior to that because of the personal care they took to respond to her needs. Indeed, in the last month of her life, she had a lap restraint used so she could sit up in a wheelchair, but it was to enable her to sit up not to keep her in it.

I am very grateful for the care my mother received in those last three months of her life. I am very grateful that it was gentle care, that restraints were used appropriately, and with my understanding and consent as to why they were being used. I hope this legislation will make mother's experience more true for seniors, particularly seniors with dementia, in any setting in this province.

Ms Shelley Martel (Nickel Belt): It's a pleasure for me to participate in debate in support of this private member's bill, Bill 135, which has been moved by my colleague from Beaches-East York. I want to say at the outset, even though my other colleagues who were here have now left, that we really do appreciate that our colleague has brought this forward.

Members should know that although our colleague from Beaches-East York said briefly that it's been a year now that she has been dealing with all of this, many of us know that in fact it has been a very difficult year for her to maintain her legislative responsibilities, which are great because she is our critic for the Ministry of Health, her constituency responsibilities in a much larger riding with a much enhanced population, and the work she has had to do with some other family members to try and keep her mom out of an institution, to keep her at home with all the supports that are necessary.

030

As she has related to us before, the particular experiences she and the family have had with her mom with his use of restraints has led her here today. That experience has been shocking, has been appalling, has been horrifying, and regrettably is an experience that probably thousands of other patients and families have had to experience in our acute care hospitals.

That is why we are here today. There is a time for some consultation and discussion and debate, and there is time, I suppose, for the Ontario Hospital Association to want to develop a working group, to have some new

policies and procedures for the use of restraints and some working groups for education. But you know what? I don't agree with that.

The time is now for legislation to deal with this. It is very clear that this was not an isolated incident that happened to our colleague and her mom. It is very clear from the groups that have stepped forward, have stepped up to the plate to support this bill, that in fact it is happening all too frequently, all too commonly, all too routinely, all too regularly, across our hospital system. I think the time, frankly, for working groups and discussion and debate is over. The time to have some concrete, significant action that is legislated is here and now.

That's why I encourage all members of this House to support this bill. There's something dreadfully wrong when researchers go into an Ontario hospital at 10 o'clock in the morning and 70% of the patients who are over 75 are in restraints. Imagine what that number would be like if we actually had bodies of researchers going into other Ontario hospitals. I suspect we'd see the same. That cannot be acceptable for members in this House, to know that is happening to elderly patients and their families. This is very much a call to action. I don't know how else to describe it. We need to respond positively by passing this bill, getting it through second reading and to some public hearings.

I firmly believe we need provincial standards regarding the use of restraints in acute care hospitals. I fundamentally disagree with an approach that says, "We will leave it to each individual hospital and the administrators to determine what the policies and procedures will be in that hospital with respect to use of restraints." We need provincial standards so we can guarantee that in each and every hospital across this province, no matter where you live, no matter where you are a patient, no matter where your family is trying to support you, the rules around the use of restraints in that acute care hospital will be the same.

It would not be acceptable that in my community of Sudbury the new regional hospital would decide there would be very limited use of restraints based perhaps on the guidelines of the bill, and somewhere in Toronto, Cochrane, Timmins or Kingston there is something completely different so that the use of restraints regrettably continues on a regular and routine basis. If we are going to deal with this problem, if we are going to guarantee to the elderly, to seniors and to their families that we are going to deal with the excessive use of restraints, then we have to have a provincial policy that is supported by legislation. We need to ensure we do that through this bill.

I fundamentally disagree as well with the premise that we shouldn't legislate these kinds of decisions by health care professionals, that we have to let them use their own best judgment about how to deal with this matter. I disagree with that because in Ontario now we already legislate those decisions on the use of restraints for seniors who live in Ontario nursing homes, in our charitable institutions, in our homes for the aged and in our rest

homes. We already legislate those decisions and set out the guidelines that health care professionals must apply and adhere to.

Residents in those facilities are protected by a residents' bill of rights that establishes those same guidelines. The Mental Health Act also provides guidelines for restraint use in psychiatric institutions. We are already in the position in this province where we set out guidelines and expect health care professionals to adhere to them. It is a small step to then ensure that in our acute care hospitals we do the same. It's a small step but it's a very important step.

My colleague from Beaches-East York reminds me that in a press conference she held yesterday, the spokesperson who was there from the Ontario Psychogeriatric Association said very clearly that when the legislation was brought in, the residents' bill of rights that outlined the guidelines for use of restraints, yes, many health care professionals were not very happy about having to have those decisions adhered to in terms of a set of policies and procedures they had to abide by. But the law was passed, and they respected that the law was passed and they implemented what was passed in the law. As a consequence—and this was mentioned at the press conference yesterday—the use of restraints in our charitable homes for the aged, in our rest homes and in nursing homes has dropped dramatically. Surely that is the same thing we want to see happen in our acute care hospitals. That's why we have to legislate these guidelines.

We also need to know whether or not this overuse or indiscriminate use of restraints really has to do with a lack of staff in our hospitals, because if that is why this appalling situation is occurring, then surely as legislators we all have a responsibility to deal with that. What else can it be but a lack of staff when at 10 o'clock in the morning 70% of the population over 75 in that hospital is still in restraints? How else can we describe that? How else can we determine that that is happening but to say that there must be a lack of staff and those staff are having to use restraints because they just don't have the time in the day to deal with our elderly in an appropriate situation?

We know from the evidence that has been presented already in numerous jurisdictions which have looked at this that the use of restraints does not help to prevent falls, does not help to prevent people who are already confused. In fact, it makes them more confused, more frustrated, more angry, more upset and more fearful, and causes even more medical problems in the long term than what that individual is probably in the hospital for in the first place. So there is no evidence whatsoever to show that the indiscriminate use of restraints has anything to do with clear proof that this is actually helping patients. On the contrary, it is making their medical, their physical and their psychological situation even worse.

We have had any number of other jurisdictions which have taken the step to regulate the use of restraints in acute care hospitals, and my colleague from Beaches-East York has described those. Given her experience,

which I firmly believe is the experience of thousands of other patients and their families in the province of Ontario, surely it is time for this jurisdiction, for this province, for this government, for all of us to take a similar step. It is appalling and it is shocking that so many seniors, so many elderly, find themselves in the situation of being restrained merely because they are confused merely because they are disoriented, merely because the staff fear that they would have a fall. That is a situation that we can rectify. We can develop—and it's very clearly set out in Bill 135—those situations where it will be necessary to use a restraint to protect patients from serious bodily injury or to protect others from injury as well. As the member already said, some of the guidelines that are set out in terms of time frame she is quite open to amend, quite open to change. But I think we need to take the basic framework that is outlined in Bill 135 and work with that in committee through the use of public hearings to address the concerns that people may have.

In closing, I want to say again that we appreciate the work that has been done by our colleague from Beaches-East York. I think the time for action is now. We need provincial standards to regulate this. We cannot let it be done hospital by hospital. We have to have very clear standards about when restraints can be used so we guarantee that the seniors and elderly are not being inappropriately restrained in our hospitals.

1040

The Deputy Speaker: Further debate?

Mr Garfield Dunlop (Simcoe North): I'm pleased to be able to make a few comments this morning on the member for Beaches-East York's private member's bill entitled An Act to amend the Public Hospitals Act to regulate the use of restraints that are not part of medical treatment. I thank the member for bringing this forward and all the other speakers today on their comments.

I'd also like to briefly thank the Minister of Health and Long-Term Care for an announcement that she made yesterday on additional mental health care funding that she provided to the Barrie-Simcoe branch of the Canadian Mental Health Association. The \$1.2 million will help relieve pressures that exist today in Simcoe county. I would also like to thank the parliamentary assistant, Brad Clark, for setting up meetings with stakeholders in Simcoe county to eventually see some of this funding announced.

As I understand it, Ms Lankin had a personal experience and it brought forth one of the main reasons for presenting this private member's bill.

"The bill amends the Public Hospitals Act ... to regulate the use of restraints that are not part of a patient's medical treatment. A restraint may be used only on written order of a physician to protect the patient or others from serious bodily injury. The least restrictive restraint that will provide the necessary protection must be used. The use of a restraint in excess of two hours requires reassessment and a new order by a physician. Policies and procedures governing the use of restraints must be established by hospitals, consistent with the rules

set out in the section. The policies and procedures must be provided to patients on admission and posted in patients' rooms."

I would like to go more into the background on restraints. The common law on restraint is, in general, that a caregiver has a duty to restrain when immediate action is necessary to prevent serious bodily harm to the person or others. It should be noted that the common law on restraint, and in fact the definition of "restraint" under the Mental Health Act, includes physical, mechanical and chemical restraint.

The remaining three statutes—the Nursing Homes Act, the Homes for the Aged Act and the Charitable Institutions Act—contain a residents' bill of rights that states that "every resident that is being considered for restraints has the right to be fully informed about the procedures and the consequences of receiving or refusing them."

I believe this bill has good intentions, but there are some problems with the bill—and I think the problems can be fixed—and I am not alone in my concerns. I know of a letter of David MacKinnon, President of the OHA, stating that his main reason for not supporting the bill is that the use of restraints should be a clinical decision, and policies should be established by hospitals, in consultation with caregivers. The OHA already has a set of guidelines or policies and procedures respecting the use of restraints for hospitals to follow when developing these policies.

The College of Nurses has expressed some concern that the bill requires that restraints be ordered in writing by a physician. It is within the nurse's scope of practice to determine the patient's need for restraint. There are also guidelines for nurses on the use of restraints.

The other problem with the bill, just looking through it, is that the bill addresses only physical restraints and not chemical or mechanical restraints. This may inadvertently lead to inappropriate use of other types of restraints. As well, it is my understanding that there is no other legislation that addresses restraints in such detail. I feel that this legislation could be viewed as too prescriptive for all facilities. I think problems such as this could be solved when the bill goes through the committee process.

With that, I would like to end my comments and pass on to some other speakers. I again thank the member for Beaches-East York for bringing this bill forward.

Mr James J. Bradley (St Catharines): I am going to support the bill. I believe it should go to committee. I think there should be representations made by various people who have these concerns. Obviously the concerns that Frances has expressed are very genuine and personal concerns, and I think it's something we all worry about as we see people, in their advanced years in particular, who are restrained, and sometimes in circumstances where we would really question that.

I would place it largely as a situation of lack of staff. I believe we need the guidelines. In not only the acute care institutions, where 15,000 nurses were fired out the door by the Harris government's policies, but also in long-

term-care facilities there simply is not enough staff on many occasions. That requires an investment of funds. I know a lot of people don't like to hear that: we have to invest funds in those facilities. But given the choice of this constant mantra of, "We must cut taxes"—and I've heard it from every political party in this country at some stage or other and to some degree or other—or provide funding for our institutions—and I say "institutions" in the best sense, in our hospital institutions, for instance—is in my view short-sighted.

I believe people in this province want to see a very adequate investment in health care. We've got to have those people—well-trained people, well-educated people—dealing particularly with our seniors, people who know about seniors in our province. The geriatric experts will tell us that this is absolutely essential.

What I fear as well is that people will become so concerned about what they perceive to be a lack of the kind of care they want because of lack of staff that we'll start to see people advancing the two-tiered health care system, similar to what they have south of the border. That's what happens when public institutions are allowed to deteriorate. People will then accept in desperation the privatization of our health care system. I think that would be a drastic error. For the wealthiest people in the province, that would be fine. I'm certain of that, because they are able to buy additional care. But for the average person in this province, I think people of all political parties in this House over the years have been supportive of a health care system that would not allow a two-tiered regime, although I see that potentially happening.

Mr Mike Colle (Eglinton-Lawrence): Stockwell Day, that's what he wants.

Mr Bradley: The member for Eglinton-Lawrence says Stockwell Day was talking about that, or at least Jason Kenney for the Alliance party. I think that would be a major mistake. We've resisted that here in Ontario. They haven't in Alberta. We've resisted that here in Ontario so far, but if the federal government is not in a position to enforce the Canada Health Act, then we have a problem.

The last thing I want to say is that there's a problem with retirement homes. I think all of us have had calls from uninspected, unregistered and unregulated retirement homes. It's absolutely essential that we have inspection and supervision of those homes.

Mr Wayne Wettlaufer (Kitchener Centre): I'm pleased to speak to this bill, which is a tough bill. I wonder if I could have permission from the member for Beaches-East York to quote from her letter that she wrote to me. She says yes.

She said, "Imagine the shock and horror you would feel discovering that one of your parents was being tied up in a hospital bed." Then I quote from a second section: "Even though I left explicit instructions about what drugs could or could not be given to my mother, they were ignored. Despite explicit instructions from her family and her geriatrician that my mother not be physically

restrained, she was still placed in a restraint jacket and tied down in her bed."

I have a very close personal attachment to this. I certainly sympathize with what the member from Beaches-East York is trying to do here. I had enough concerns that I gave it a lot of thought. I talked to doctors back home in my riding and I spoke with people in hospitals, and they expressed some concerns. In fact, I was taken aback by the adamance with which the doctors opposed the bill. One of the doctors—and I don't want to mention his name because he asked me not to—expressed that there is a terrible shortage of doctors throughout North America. He said, "We simply do not have the time to assess patients every two hours. What you're trying to do to us with this bill will drive doctors out of this province. We simply cannot do it."

One of the sections of the bill maintains that the caregiver at the hospital would assess the person who is under restraint every 15 minutes and that those restraints must be lifted unless a doctor looks at it every two hours, and I would like to quote: "A restraint must not be used for a period longer than necessary and, in no case, for a period exceeding two hours unless a physician reassesses the need for the restraint and gives a new written order." The doctors were quite opposed to this. In addition, there has been reference made this morning to a letter which was written by David McKinnon of the Ontario Hospital Association, and I'm going to quote from his letter.

1050

"While we are sympathetic to the issues raised by the bill, the Ontario Hospital Association is concerned that regulating practices that are essentially clinical in nature may undermine the ability of health care professionals to provide patient care."

Going on further, he says, "The OHA is prepared to work with member hospitals in co-operation with our clinical partners, to examine existing guidelines and to develop new guidelines that incorporate the most current clinical practices respecting the use of restraints in hospitals."

Further on he says, "I believe that we can achieve the objectives of Bill 135 without introducing regulations that may ultimately constrain the ability of health care professionals to exercise their best clinical judgment."

I think the key words here are "health care professionals." They are professionals, and we need to rely on them to use their professional expertise from time to time. I don't think we should get involved in philosophy, ie, whether or not we should set provincial standards which would micromanage. I don't want to see the discussion get down to that.

I sympathize a great deal with what the member is trying to bring forward here, but I'm probably in a minority when I say I cannot support the bill.

Mrs Sandra Papatello (Windsor West): I'm very pleased to have an opportunity to stand and support the bill the member from Beaches-East York is bringing forward.

Let me start by saying that my caucus, the Ontario Liberal Party and Dalton McGuinty, believes that this

member has been very courageous to bring forward a bill that so impacts on residents in Ontario and in particular on Ms Lankin's own family. It's very difficult to stand in the House day after day, but in particular when it is something that is so close to you and something that you live with every day. It really stands to reason that we should be applauding this member for doing something that is so courageous. Many of us probably will never have the opportunity to do something that is going to be so meaningful to Ms Lankin's family. I want to applaud you for that and tell you that it's a very courageous thing you've done today. I want to support the bill. I plan on voting in favour of the bill. I encourage all members of the House to do so.

The bill is about resources for the hospital sector. There is no question that hospitals are under siege in Ontario today. I just came from a Ontario Nurses' Association meeting. They're having their convention these last three days and they finish tomorrow. Barbara Wahl was speaking this morning, and she told us that of her ONA membership, 56% are not working full-time. It's an incredible statistic, made more incredible by the fact that we have a nursing shortage in Ontario. We need nurses desperately, and the examples that Ms Lankin brought forward today, including her own mom in a hospital, have everything to do with who is available on the floor to care for patients.

I've had too much opportunity over the last five and a half years since my election to spend time in hospitals not just in my own community of Windsor West, in Windsor Regional Hospital and the Hotel Dieu Hospital, but right across Ontario, with an inordinate amount of time in the London hospitals as well. There aren't enough nurses on the floor to care for patients. Barbara Wahl said something interesting this morning. She said, "When they can't give what's needed, it hurts." I can tell you the people who work in the system know what they should be providing and know that today in Ontario they are not providing the level of care that's required.

There are issues in hospitals; there are issues in long-term-care facilities. Regulations that this government has changed have dropped the level and the standard of what nursing care would be given in our long-term-care facilities. They just wrote by regulation that it's no longer required to have a set higher level of care. They've dropped the standard. While members want to talk about increased funding in health care, what we know is the reality in our hospitals, in our long-term-care facilities. There is less care available, not because professionals don't want to provide the care; there simply aren't enough professionals who are working to give it.

The specifics of the bill: there are things that I think the member is perfectly prepared to discuss when the bill gets to committee. The whole reality of whether or not a doctor would be able, for example, to be back in the room to check every two hours, as is requested at this point in the private member's bill, is something that I would hope the member is prepared to review. Perhaps as a committee we would come together and say that maybe it would be a professional, maybe it would be a nurse

who would do that checking on a patient on a regular basis.

It is something that even the hospitals—while David McKinnon from the OHA may write a letter and suggest why this thing can't happen, I think it's time that the Ontario Legislature says, "Why can't it happen?" In fact, let's look at what is required in the system to make this happen. Why can't we say that unless there's some very unusual circumstance which—in my view, you wouldn't want to physically restrain any rational person on the street unless you absolutely had to. If you were going to physically restrain in a hospital setting, there would be a set condition when that applied, as opposed to the reverse: having to explain away the number of times you've done it.

The truth is, not every family has the opportunity to be around the patient 24 hours a day, and the nurses simply aren't around. It becomes convenient in many instances to restrain patients instead of having nurses attend them on a regular basis. It is something that we, as family members—and all of us have been in circumstances, or will be, where we have had the experience that the member from Beaches-East York has had. When that happens to us, we will have wished that we voted in favour of this bill.

I applaud the member for bringing it forward. It's very timely, given the kinds of shortages in the nursing staff we see across the bill. I hope the bill goes forward to committee. I look forward to speaking to it and to seeing exactly how we can improve it and make it law.

The Deputy Speaker: Further debate.

Mr Doug Galt (Northumberland): I'm pleased to respond and speak on this particular bill and certainly have the greatest respect for the member for Beaches-East York and empathize with her in the situation that she's in. I had a similar one a few years ago.

But I am indeed surprised at this vote of non-confidence in the member's unions' brothers and sisters, particularly in the nursing profession. I certainly don't share that lack of confidence. I support our hard-working nurses, our medical professionals and recognize the difficulties of the job they perform, although, as I mentioned, I do empathize with her situation.

My own personal experience was back in 1981, when my father had a massive stroke and was in bed for five weeks prior to death. It was a pretty rough situation as he struggled to get out of bed; he developed bed sores. I searched my mind for what was wrong here. I had no alternative suggestion, and certainly the nursing profession were extremely kind and supportive. They put him on a waterbed, which helped significantly. But it really tugs at your heart to see that kind of thing going on.

This legislation really tars everyone with the same brush, and I'd urge the member to work with organizations like the ONA, RNAO and the OHA to review their policies. I believe there's strong accountability in the nursing profession, particularly as it's administered through the Ontario College of Nurses. If any of the members have ever read their magazine, you'll know that those convicted of professional misconduct are subjected

to severe and very public consequences. Not only can their licences be revoked and workers suspended, the names of those offenders, their misconduct and their place of last employment are published for the entire profession to see. I think that's quite a severe penalty. I believe the college does an excellent job of censuring those who break the rules or endanger any patient's safety.

I'm concerned that this legislation is like trying to kill a fly with a sledgehammer.

The Deputy Speaker: The member for Beaches-East York has two minutes.

Ms Lankin: I want to speak to my appreciation of all members who have participated here.

For those who say the bill is too prescriptive, I have already indicated that my attempt in this bill was to get the debate going—and I think that has happened, and that's good—and that I believe through committee an appropriate bill that sets out a general prohibition and brings the specifics and the clinical guidelines into regulations, and we work with the professions to do that, would be the appropriate end result.

But I have to say that people who make comments that there's an objection, for example, to monitoring every 15 minutes—as some of you know, I used to be a jail guard in Ontario. When I put someone in physical restraints or put them in an isolation cell—solitary confinement—I had to monitor them every 15 minutes. I think you've got to take a look at what the reality is here and the people we're dealing with. They're not flies to be swatted with a fly swatter—or a hammer. These are our citizens who have built this country, and we somehow don't have within us the understanding of what is happening to our senior citizens.

For those who say laws don't work, we have laws in place in long-term-care facilities, in psychiatric hospitals. Why should acute care hospitals be any different?

I appreciate the response of the OHA, and I appreciate their offer to do more work, and we'll work with them on that. But I have to say that all of the evidence that's out there doesn't support the argument that this should be left to just clinical decision-making. If you can have virtually 0% in the British Isles, 17% in the United States and find 33% of incidents of restraint in Canada, clinical decision-making isn't working.

Let me tell you, this bill—people have spoken about my mom, and I appreciate it—is not for her. She's got a strong advocate. It won't happen again to her. What I want you to join with me in doing is make sure it doesn't happen to any of our citizens.

The Deputy Speaker: That completes the time allocated for this ballot item. The votes will be taken at noon.

1100

DRUG USE IN CORRECTIONAL FACILITIES

Mrs Julia Munro (York North): Be it resolved that the Legislative Assembly of the province of Ontario,

(a) believes that the introduction of illegal drugs into correctional institutions is a grave danger to correctional staff;

(b) believes that illegal drugs cause violent and erratic behaviour in offenders;

(c) knows that the use of illegal drugs compromises the ability of offenders to successfully complete treatment programs to overcome their addictions;

(d) supports action to eliminate the use of illegal drugs in correctional institutions;

(e) introduces regular and random drug tests of all sentenced, remand and intermittent offenders in Ontario's correctional facilities.

The Deputy Speaker (Mr Michael A. Brown): Mrs Munro has moved ballot item number 50. The member has up to 10 minutes.

Mrs Munro: I would like to share my time today with the Minister of Correctional Services, the Honourable Rob Sampson; the member from Simcoe North, Garfield Dunlop; and the parliamentary assistant for the Chair of Management Board and the member for Brampton Centre, Joe Spina.

I rise today to speak to a resolution I believe is consistent with our government's agenda. Our agenda recognizes the importance of safety for all citizens. Our agenda recognizes the need to provide help and specific services to enable people to lead safe, law-abiding and successful lives. Our agenda recognizes the need for everyone to enhance their quality of life.

This resolution fits that criteria. It deals with a segment of the population that is at extreme risk. It also deals with the safety of staff and the public at large. It provides a means of identifying inmates and intermittent offenders who would benefit from drug rehabilitation programs.

This resolution deals with drug abuse in our correctional facilities. Everyone knows that illegal drugs create a huge cost to our communities. What is less well-known is the enormous repercussions illegal drugs have in our prison system. Substance abuse plays a significant part in criminal behaviour. In Ontario, a staggering 83% of adult inmates in correctional institutions and 61% of adult offenders serving sentences in the community are found to have some degree of alcohol or drug dependency.

Illegal drugs in our correctional facilities have a negative impact on inmates. Let me explain the devastating results of the current situation. The availability of illegal drugs in our correctional facilities has a negative impact on inmates. With the availability of drugs, an inmate with a drug problem will be discouraged from participating in drug rehabilitation programs. As well, without the ability to avoid a drug-ridden environment, most individuals, once released, will still be addicts. If an inmate wanted to deal with a drug problem in an effective way, it would be next to impossible with drugs all around them.

By dealing with the issue of drugs in our correctional institutions, we will be able to effectively treat people who are addicts. I give the following dramatic example of how serious this situation is. In August of this year,

members of the vice and drug unit of the Hamilton-Wentworth Regional Police Service, in co-operation with members of the Hamilton-Wentworth Detention Centre security staff, had been involved in a month-long investigation involving the trafficking of controlled drugs into the detention centre. On August 30, a male was arrested walking into the detention centre in possession of various types of suspected controlled substances, including heroin, crack cocaine, marijuana and hash worth approximately \$4,500. A Hamilton man was arrested and has been charged.

The issue of intermittent offenders and drug abuse is a severe hindrance to law enforcement officers and to those individuals who are addicts. Intermittent offenders are in and out of prisons on a regular basis to serve their sentence part-time. This is a ready-made opportunity for illegal drugs to go in and out as well.

Individuals who are serving an intermittent sentence are targets of drug dealers and pushers. An operational manager at the Hamilton-Wentworth Detention Centre has said, "People go to courtrooms and watch proceedings to see who is going in on Fridays. They will approach the prisoners and order them to deliver drugs and won't tolerate no for an answer." Intimidation is an extremely powerful tool and is used regularly in Ontario courtrooms and prisons.

A 26-year-old mother of three died on September 5, 1998, in the Hamilton-Wentworth Detention Centre where she was serving an intermittent 30-day sentence for theft. A 24-year-old man died on June 12, 1999, in the Niagara Detention Centre where he was serving an intermittent 90-day sentence for a driving offence. Both died of drug overdoses. The 26-year-old mother's autopsy showed a combination of drugs she had taken: methadone, diazepam and cocaine. The combination of these drugs would have depressed her central nervous system, her breathing became shallow and she choked on her vomit.

Josephine was one of the last people to see John before he checked into the Thorold detention centre and died of a methadone overdose. Every Friday night John prepared himself before he stepped into custody for the weekend. He would gas up, which means he would take some methadone, and then he would pack a suitcase. The term "suitcase" refers to the concealing of a balloon in his lower bowel when he went into jail. John took extra drugs because he didn't want to run out. John was addicted to methadone, which he took every day, and other illegal drugs.

John, who was 24 years old, was serving a three-month intermittent sentence for dangerous driving. He was found dead in his cell the next morning. He had overdosed on a combination of Valium and methadone and a quantity of other prescription drugs that were found in the balloon in his lower bowel. He was the second inmate in the past two years to die of a drug overdose while serving a weekend sentence.

The reality is that offenders are arriving at correctional facilities already high and with concealed drugs in their

bodies. What chance is there for them to break the cycle of drug dependency and criminal activity? How can our families and communities be safe?

The creation of a drug and alcohol testing program for offenders is part of the Ontario government's commitment to increase public safety, create more secure and efficient institutions and lower re-offending rates. Substance abuse is a known factor contributing to criminal behaviour.

By introducing this resolution, we can tell the people of Ontario that this government and this Legislature care about giving the people a hand up. Without testing for controlled substances, we have no way of knowing that these individuals are suffering from a terrible addiction disease and we are unable to assist them in recovery.

Drug abuse in correctional institutions is a very serious problem. In the examples I have given it is clear that lives are lost, staff are at risk and our communities are threatened. Eighty-three per cent of inmates are drug users. I am sure you will agree with me that this resolution addresses serious problems that are the result of inmates using drugs in our correctional institutions.

Having random as well as targeted drug tests in Ontario's correctional facilities will deter criminals from bringing and using drugs in institutions. Knowing that they could be tested at any time, without warning, and have to face significant penalties, including an increase in time spent in jail, will likely deter some inmates from using drugs, while at the same time having programs available to treat addictions will also assist inmates in helping to overcome these addictions.

I believe that random drug and alcohol testing for offenders in both adult institutions and under community supervision will enhance the ability of the Ministry of Correctional Services to monitor offenders' compliance with court and release orders, and thereby, re-offending rates. This, in turn, would create safer communities.

1110

Mr Dave Levac (Brant): I'd like to commend the member for bringing to the floor a resolution that needs to be debated in this House, and also needs to be debated in the province.

First of all, the ministry should be making more of an attempt to make sure that drugs don't get into the institution instead of dealing with drugs that are already in. One way that could be done would be to avoid fed bashng and move to a federal program that's been instituted that is working perfectly. That's the ion X-ray machine scanners that are used to help alleviate the problem at the door before it goes in. The federal program is highly successful in detecting those drugs before they even enter the institution.

What was the excuse given by the government? "It is just too expensive. We can't do it." They give lip service that they want to remove that process. They would have gone to the federal program that was instituted called the ion X-ray scanners.

This is a resolution that talks to the Minister of Correctional Services' recent bill that simply says, "It's a

smokescreen. We want to get privatization in here, but we've got to wrap it around something else so that everybody in the province is going to say, 'We can accept that. We want drug testing. We want to keep drugs out of the prisons.'"

Everybody wants that. We don't want drugs in the system because it jeopardizes the safety of our correctional officers, who work hard day in and day out on a regular basis. If the ministry were really interested in making sure those members were safe and secure, along with the rest of community, they would have introduced those ion scanners early, quickly and completely.

This is similar to the much-heralded announcement that work programs were going to be expanded to try to provide those people with an opportunity for optimism, when in fact the programs in the province, since 1995, have been depleted and reduced. We're now looking at a program that we need to have improved. They're talking about it again: lip service.

This is similar to the much-heralded zero tolerance for violence against correctional staff announcement, when in fact the offender who had a gun and threatened correctional staff at the Yonge Street probation and parole office was given a mere slap on the wrist. If we go back to the records we will realize that that person, who accosted someone with a gun, simply got a slap on the wrist. That's not justice. Unsupervised probation was what he was given, apparently. The Ministry of Correctional Services' staff did not tell the Attorney General they were getting tough on these offences because the Attorney General gave that guy a slap on the wrist too.

This is similar to the much-heralded announcement that correctional officers would be given new ranks and seniority status within the profession in order to foster respect and dignity. This week over 500 correctional officers were given notice that they either had to accept a job in a private prison or else find work somewhere else—that's respect?—a facility they know will be more dangerous and less secure because all the statistics around the world prove there's a 50% increase in assaults on correctional officers in private institutions. We also know there's a 47% turnover of correctional officers when you move to a correctional institution that's run by privateers.

There's also the electronic monitoring program that was supposed to be expanded, which has hardly been used. In the one facility I visited, we were told the program was up and running. I said, "How many times have you used it?" It was zero. The ministry has mismanaged the program and these individuals who are hired to do monitoring have not monitored anybody.

Perhaps before the Ministry of Correctional Services pushes on the new initiatives, they should concentrate on the glaring problems that were pointed out by the Provincial Auditor. The auditor indicated there was a very large amount of money being wasted in private institutions: With the first one they heralded as being a great success, there was \$400,000 that the auditor said was above and beyond the contract.

Let's talk about the programs. The treatment programs across the province have been reduced, outside the correctional institutions and in the entire province. They've been flatlined in terms of the amount of money they've been offered for support. A lot of people are on waiting lists who can't even get those services to help them with drug rehabilitation. The auditor indicated the intermittent programs, in terms of the outside, allowing the temporary absence passes. When the programs were being offered, in the use of the temporary absence programs, they were to be very good because they would address rehabilitation and the progress of the inmate not to reoffend. Instead, it was pointed out that it was a major problem, that there was overcrowding, that these people were getting away and weren't going into programs.

What did the corrections minister decide to do? He decided to cancel the entire program. He stopped the entire program, stopped those programs that were successful and overcrowded his jails again. As well, the cost of the jails skyrocketed, at a time when the number of inmates has gone down. That is the mismanagement we were talking about the other day, Minister, when the Provincial Auditor's report came out.

In terms of the idea of stopping drugs from coming into the jails, we believe strongly on this side that we should be working very hard and diligently to make sure those drugs do not show up in the jails. There was mention made by the honourable member for York North about, "Let's stop the drugs from coming out." Well, let's stop the drugs from coming in; that's the real issue. Where is the investment in this? This resolution is quite good in terms of motherhood, but where is the investment discussion? The investment discussion needs to take place around the idea that the implementation of ion X-ray scanners would eradicate an awful lot of the problems. She made a comment about what's going on in the courts; they have the preying junkies who are saying, "We need to get those drugs in and out of the system." Where's the security there? Where's the tougher security to make sure we can identify these people?

I want to take a proactive stance instead of a reactive stance, as this government continues to do. The reactive stance that this government is taking is saying, "We want to do what compromises the offenders from successfully completing their treatment programs to overcome their addictions." In terms of the problem that the member is trying to point out, we have to remember this: if we stop the drugs from entering the jails in the first place, we will not have to deal with how strong is their need to take those drugs. In many of the jails that I've visited across the province, there have been members who said to me, "If we stopped these things from coming in, in the first place, our jobs would be made easier, society would be safer and we wouldn't have to deal with scraping some of the inmates off the floor from these overdoses." I would suggest and respectfully submit that this is nothing but a smokescreen that simply says we have to prepare these people to accept the bill that the minister is going to step forward and introduce in the near future, and have us

accept the fact that we couched this wonderful bill with all of the privatization that they're talking about.

We have a very serious problem here. The resolution being offered right now is commendable. We do want to recognize that drugs are not acceptable in our society—drugs are not acceptable in our society outside of our prisons. They have underfunded the addiction problems, they've underfunded the programs that the jails had at one time in terms of recovery. Now they turn around and say, "But we've got a problem with drugs." By the way they've diminished the use of dogs; they won't invest in the innovative X-ray machines that the federal government is using. They're not putting their money where their mouth is.

One of the things I caution the public in understanding is that when this bill gets introduced, we're all going to be expected to talk about it and support it strictly on the fact that we don't want drugs being used in our jail system. Very clandestinely we're going to be looking at a piece of legislation that's basically opening the door and permitting privatization. Therein lies the big rub, because when you introduce privatization across the world, there is an increased use of drugs, there is an escalation in violence against our correctional officers, there's an increased use of violence by the inmates themselves and there's a reduction in programs being offered to help them deal with their problems.

One of the last comments I want to make regarding this resolution and the bill itself that's going to be put in front of us is that the Minister of Correctional Services has had in front of him for months now, from a client and a constituent in Brant, from experts and former correctional officers, a program called the Alternative Solution which deals exactly with the problem that the member is trying to address today. Instead of worrying about the drugs themselves, it's the rehabilitation and the addiction they're dealing with. As she said, a very high percentage in the 1980s had a problem with drugs, but it's not just drugs, it's all types of illicit problems. If you don't get the inmates to understand there is a problem, through programs that are designed inside, you're going to keep coming to that revolving door.

I fear one major problem. The revolving door is going to continue as long as we are moving ourselves away from publicly run, publicly accountable institutions to privateers who are in it to make money. Why? Because they need to fill the prisons. They need to have them full; they need to have more people coming in, and that means we have to reduce the programs to stop them from coming in. If we don't have recidivism rates drop, then the privateers are going to be all smiles and say, "Thank very much, because we get to continue making tons of profit."

Mr Speaker, I have ended my time and I defer to the honourable member.

1120

Mr Tony Martin (Sault Ste Marie): I'm happy to have a chance to speak on this subject this morning, in that it is consistent with a number of things that this

government has been doing over the last number of weeks in the middle of a federal election to try and prop up and support the hot-button agenda of their federal Alliance counterparts.

There isn't anybody, I think, in this place who could not support initiatives to do the kinds of things that are contained in this resolution, if it wasn't so obviously a blatant attempt to do other things—another Trojan Horse—and I've spoken about those on a number of occasions over the last six years in this place.

This is another hot button issue in the middle of a federal election. It's paving the way for the privatization of prisons, and it's as well handing over to their private sector friends another opportunity to make money at the expense of the public accounts.

The legislation the minister introduced this past week, in keeping with the spirit of the legislation the Minister of Community and Social Services is going to introduce to make it mandatory for people on social assistance to be tested for drugs, which is in keeping with the spirit of yesterday's big, grandiose press conference to talk about welfare fraud, is to victimize and to demonize individuals in our society who need that least of all, who actually need to be worked with, to be given programs to correct their circumstance and their situation.

This government isn't interested in that. This government on every occasion has taken away from those people on the front lines who deliver these programs, who actually have a direct interest in making sure that their workplace is safe, their ability to do that by reducing their numbers and taking away the programs that were put in place by previous governments to make sure that those things in fact were happening. The prison system in Ontario until this government took over was the envy of the rest of this country and many jurisdictions around the world. Since then it has begun to deteriorate in a major and significant way, and it's simply because this government is ideologically bound and determined to turn it over to the private sector so that their friends and benefactors can make some money at the expense of these folks and at the expense of the public trough. There's no interest whatsoever in the issue of good and successful and helpful corrections behaviour and activity.

The legislation that the minister introduced is not only laughable but totally unnecessary. It's another attempt by the Tories to give out contracts to their corporate pals by privatizing drug and alcohol testing rather than cracking down on the real problem of how drugs are getting into our jails in the first place.

If the minister sat down and talked to correctional officers instead of his corporate friends, he would understand the link between drugs entering jails and understaffing, overpopulation, under-resourcing and the elimination of rehabilitation programs. Perhaps the government is simply acknowledging what we have suspected: with privatization of our prisons, the problem of drugs and violence in correctional facilities will get worse, not better. They are creating a problem within a problem, all so they can justify giving away millions in contracts to American for-profit prison corporations.

My colleague Mr Kormos the other day, in responding to the legislation introduced by the minister, had this to say:

"I would ask the minister to please have read his own statute before he made the announcement today. It's naïve to the point of outright wrong to suggest that he's introducing any sort of new regime. The fact is that superintendents of prisons across this province had the power, by way of discipline, to extend prison sentences beyond the two thirds and revoke portions exceedingly in greater numbers of the statutory remission for decades. The reality is that Mr Sampson hasn't had enough interest in the correctional system here in Ontario to call upon superintendents in our prisons to in fact do that."

The other issue I think we need to deal with here this morning—and if you don't believe me, if you don't want to listen to me, if you think that I'm ideologically driven as well, let's listen to some of the players out there who have been working in this industry for quite some time now. One of Canada's top criminal lawyers said on Monday, "The tougher parole standards would create more prison unrest and help future privatized jails in Ontario turn in a bigger profit." Imagine that. Clayton Ruby said the new plan "is helping pave the way for private prisons. Ontario's Tory government plans to open a pilot, privatized superjail in Penetanguishene, Ontario, next year.

"This is an attempt to help private prison operators control inmates without spending money on adequate food, programs, rehabilitation and psychiatric care," said the high-profile criminal lawyer."

That's confirmed by some of the findings of the Provincial Auditor this week in his report when he talked about the prison system and how they're spending more money to put facilities in place that will deliver less service, and will add in the long haul to, yes, perhaps the private sector, which will ultimately take it over because we're building the facilities for them, making a whole lot more profit. We know that's not beyond this government to do. He also says that the Harris government "has cut most of the rehabilitation programs that matter, such as continuing education."

Another gentleman who is held in high regard in this province where dealing with corrections issues and people in our jails is concerned, the executive director of the John Howard Society, says, "Keeping someone in jail until the last day of their sentence does not make a community safer."

I certainly support what these gentlemen are saying. Our caucus at Queen's Park, in watching over the last five or six years the diminishing of our correctional system in its ability to do its job—the wholesale move to privatize and turn over corrections to the private sector, thinking that they will deliver it more cost-effectively and more effectively where rehabilitation is concerned—will prove in the long run to be a huge mistake. We should look at the experience of some of the American jurisdictions where they've done this.

In wrapping up and bringing some conclusion to my comments here this morning, I would suggest to the minister that he spend a bit more time out there talking to superintendents and talking to the correctional workers. Come up to my community a bit more often and spend some time at the Northern Treatment Centre, because there is good work going on there. If he will resource it effectively and properly and enter into partnership with the federal government to make sure that we have the resources we've always had to provide that good work, he will be improving and doing what he says he wants to do to the correctional institution.

This is, no more, no less, this government supporting their friends the Canadian Alliance in a federal election by pushing another hot button issue, done in partnership with the Minister of Community and Social Services, who this week and last week kicked again the recipients of social assistance twice, not because they've done anything wrong but because it's politically an attractive thing to be doing, it seems, unfortunately, in the world we live in today.

This is paving the way for the privatization of our prisons and it's handing over to this government's private sector partners another opportunity to make money at the expense of all of us.

The Deputy Speaker: Just to remind members, because I've noticed we may be a little bit confused about how it works during private members' hour, we don't need to mention we're sharing time. It goes 15 minutes for each caucus around the room.

The Minister of Correctional Services.

Hon Rob Sampson (Minister of Correctional Services): Thank you very much, Speaker, for that advice.

I want to thank the member from York North for her insight in drafting this resolution and bringing it before the House for discussion today. I certainly have listened intently, and I will listen for the rest of the morning to the discussion from other members of the House, but so far to the members from Brant and Sault Ste Marie who have gone on their traditional rant on privatization. I want to say to the people watching today, what we're planning here is a drug testing program that will apply to all institutions. It doesn't matter who should be running them; what should matter is indeed how they are being run.

We think it's appropriate, in order to get at the rampant problem of drugs in institutions, to first identify the extent of the problem. You can really only do that if you test. How else would you know how bad the problem is until you perform a random test to determine the extent of the problem?

1130

The member for Brant ranted on about technology that is being used in some other jurisdictions, inclusive of the federal system where, by the way, drug use is about the same as what we have in the provincial institutions, if not in some cases higher. In fact, I heard a story in one institution where they're actually allowing inmates to grow marijuana so that they can consume it inside, because that's part—

Mr Dominic Agostino (Hamilton East): You know someone who knows someone who knows someone. Name names. What institutions?

Hon Mr Sampson: I say to the member from Hamilton, if you believe that drugs in an institution are a problem, then support—

The Deputy Speaker: The minister has the floor. It is not a chorus.

Mr Agostino: On a point of order, Mr Speaker: I'd appreciate it if the minister would mention the institution as well. I think all of Ontario would like to know.

The Deputy Speaker: Minister.

Hon Mr Sampson: I say to the member, all he has to do is listen to the radio interview that I did yesterday morning on CFRB, when one of the newscasters on that interview commented about this. You might want to call that person.

Mr Agostino: Is that your research: CFRB?

Hon Mr Sampson: I say to the member opposite—and I should be speaking through you, Speaker, and I know that's the challenge here.

Interjection.

The Deputy Speaker: Order.

Hon Mr Sampson: I say to the member across the floor, if you believe that drugs are a problem in institutions, then you should support this resolution.

I say to the member from Brant, who spoke to this item, that various technologies can be used to deal with the problem. I agree. In fact, we may embark upon the use of different technologies to deal with that. But there's no use putting the technologies in place if you don't know what it is you're trying to deal with, how extensive the problem is, because the problem of how—

Mr Agostino: How do you know it's a problem, though?

Hon Mr Sampson: If you don't know how extensive the problem is, you don't know what technologies to prohibit the entrance of drugs into institutions one should use.

Part of the problem in dealing with drug addiction is making sure those who have these challenges recognize these problems and are prepared to deal with them. The testing program we've put in place will allow the individuals who are still on drugs and addicted to drugs in institutions to recognize that addiction because it will show up through the testing results we will receive as a result of the program.

I say to the members opposite, I find it very difficult to understand their objection to this resolution. I firmly support the resolution. I think the member from York North has done some tremendous work on this and I encourage her to continue. I will listen to the debate, as I listened opposite, with some concern as I hear that they are not prepared to support it.

Mr Agostino: I found it interesting to hear the minister talk about "rampant use," but then he said, "We have to do that so we can find out what the problem is." Earlier, the minister believed it was a massive problem in

our jails. I appreciate that the research for the minister is done by state radio CFRB.

Clearly, this resolution is cutely worded. It's a cute code resolution that this government is expert at. The reality is that it's motherhood and apple pie and the basics. Who in their right mind would say, "Gee, we should support people using drugs in jails"? Of course that's wrong and of course we all believe that, but when you look at this resolution, it does nothing to deal with the problem. All it does is say, "Drugs are bad. Let's random-test prisoners. That takes care of the problem." It doesn't deal with the real problem. First of all, what do you do when they test positive? Is the government now going to commit to setting up treatment programs in jails for inmates who test positive or are we just going to say, "You tested positive and we'll just throw away the key"?

The resolution talks about people who have been remanded. Again, you're talking about someone who I still believe, unlike the Tory government, is innocent until proven guilty. If someone is in an institution—they've been remanded, they have to appear in court, they have to appear for bail—in any of those situations you're going to drug-test that individual. Again, the person up to this point has not been proven guilty of anything, but you're going to drug-test him. This government has absolutely no respect for the fundamental rights of individuals. We saw it with welfare. This follows the lead of Minister Baird's welfare testing. This is simply hot button politics.

If they want to deal with the real problem in our institutions, let's deal with the real problems there. Let's deal with the tour I took of the detention centre in Hamilton a few weeks ago, where there are two guards for 72 inmates. Look at the danger you're putting those guards in. Look at the potential you have for problems in jails.

Why don't we talk about the fact that we have three or four people per cells that were built for one? Why don't we look at the danger there? Why don't we look at this policy that this minister and this government have, because you've cut out the nursing staff in jails, where jail guards who are not trained medical professionals are being forced by this government, against their will, to hand out prescription drugs? They are forced against their will, and if they refuse to, as Ed Almeida, the president of the local union, did in Hamilton, they're disciplined. They're saying, "We don't know if someone reacts differently to a drug. We don't know if there's going to be a problem. We are jail guards—professional, trained jail guards." They're not nurses or medical people. They should not be handing our prescription drugs to inmates as part of their routine, but this government is forcing them to do that.

Those are some of the causes of the overdoses. Those are some of the problems that occur, but this government as usual just hides its head in the sand and says, "You know what? It's just hot button politics. Here we go. Let's just test them and that solves the problem." Where are the resources? Where are the resources to ensure that we have a system that, once we do that, if that's what you choose to do, there's treatment available? To what end is this, if there isn't?

I was interested that the minister's speaking in support of the resolution, but the minister had absolutely no answer as to what he'd do at that point, what he's do at the point where someone tests positive. Maybe the member who brought this resolution forward can address that in her remarks. Are there going to be programs in place? Is there funding that will be available? Are there treatment programs or are we just simply doing it so we know how many people are using it?

As my colleague from Brant spoke about, technology is available to stop it at the source, from getting into the jails. You're not using that. Staffing, as I said earlier, is part of the problem and the fact that we don't have enough staff, as we've seen in Hamilton. They have no standards. Understand that federally there are standards as to the number of inmates there can be for the number of guards. Provincially, we have no such standards, and if we do, they're not applied. Most of us would think it's unreasonable for two guards to be looking after 72 inmates. It is just unrealistic. It is unsafe.

I ask this government, if you're concerned about the situation in our jails, invest some money, invest some resources, back up those men and women who risk their lives every day on the front line in the jails, looking after the inmates, protecting the community. That's where your focus should be. Put some real investment into looking after and helping the people who risk their lives every single day to protect us, protect our community and look after inmates in our jails.

Ms Shelley Martel (Nickel Belt): I am really pleased to participate in this debate. Let me begin by saying that it's really clear that that 42% pay increase has really cut into this government's currency. Even its core supporters must have been really angry, because in the last week the government's done everything it can to try and divert attention away from the piggy-at-the-trough pay scheme and trying to retain some of that core support again. We see the Minister of Community and Social Services coming in and whacking social assistance recipients. Here we are today with a resolution where the government pretends it's going to get tough on crime and criminals, when the resolution does nothing of the sort, and neither will the legislation that the minister's introduced.

Minister, look, if you are interested in dealing with a drug problem in our jails, then you will figure out how the drugs are getting into the jails in the first place and you'll do something about it. We've got a serious problem here. We've got a problem that there is understaffing, under-resourcing in our jails. We need more correctional officers, but the government doesn't want to deal with that. We probably have an overpopulation of inmates in too many of our jails too. We've got a serious problem about drugs coming into the facilities, and neither the member who put forward the resolution nor the minister who put forward the bill is doing anything about that.

Let me give you an example at the Sudbury jail. The Sudbury jail had a courtyard where the inmates used to

be able to have some exercise. The problem is the courtyard is quite close to the parking lot, and they had a problem with people standing in the parking lot throwing drugs over the fence into the courtyard. So now the inmates can't use the courtyard at all. Instead of putting a roof on the facility, which might actually solve this problem, the Sudbury jail supervisory staff said they can't get the money and they don't have the money to even put a roof on. Here's one small example of drugs coming into a jail. This is how the government responds. We don't even have enough money to put a roof on to stop the flow of drugs into that courtyard and then into the jail. This is ridiculous.

Look, this government has an abysmal track record when it comes to programs for inmates. The auditor made that very clear in his report. Minister, here it is. Let me just give you one quote, page 90: "Twenty-seven per cent of the correctional program recommendations for meeting the needs of inmates were not met as the recommended programs were not even available."

1140

We're going to test inmates and you would think that after we test the inmates, we're going to try and have treatment programs for them, but the government is cutting back on its rehab programs in its jails. I'll just give you the example at the Rideau Correctional Centre, where there were five-week and 10-week intensive programs for drug rehabilitation. Rideau is closing down, and there goes the drug treatment programs that were actually in effect at one centre in this province.

Not only does the government not have rehab programs in most of its jails so it can't deal with offenders who have drug problems, but the fact is the government has also cut some of those supports to individuals who are being identified as having drug problems even before they got to the jail.

Let me give you another example in Sudbury. In Sudbury, the E. Fry Society operated a bail verification and supervision program. They got a small operating grant from this ministry for two part-time staff to go to the Sudbury jail to advocate for females who were up on charges to commit to judges that they would supervise the conditions set by the judges and make sure these female offenders would participate in any number of anger management and drug and alcohol addiction programs. By agreeing to do the supervision, judges and the E. Fry Society made sure that hundreds of women were kept out of the jails and actually went and got help and went to those programs and got clean.

Do you know what this government did? Three years ago, this government pulled the rug on the E. Fry Society in my community, and in Sault Ste Marie and Thunder Bay as well. It's interesting that all those ridings were served by opposition members. In any event, the government pulled the rug on those programs and withdrew the operating supports. Do you know what happens now? Women who are going to court on any variety of charges who do need anger management programs or drug and alcohol treatment programs can't get those programs

because there is no organization now in place that will agree to supervise them. As a consequence, all those women are being thrown in jail and there ain't any rehab treatment programs at the Sudbury jail.

So what have we accomplished? Absolutely nothing, because women who were previously getting help with the support of E. Fry, previously having to be in those programs because it was a condition of supervision that the E. Fry Society had agreed to meet, they got their money yanked by this government and all of those women now aren't getting treatment and are sitting in jail for a lot longer.

If we've got a drug problem now in our institutions, and clearly the member who moved the resolution said that we did, imagine what that drug problem is going to be like when we move to private jails. Is the private sector interested in putting money into rehab programs? Absolutely not. Is the private sector interested in seeing some of its profits being diverted for rehabilitation programs for inmates? Absolutely not. We know, if we look at the examples already in the United States—we have Wackenhutt and we have Corrections Corp of America—that in the private jails, the incidences of contraband, incidences of violence, incidences of murder and incidences of escape were far higher in the private institutions than those that were run in the public sector. There is more than one report that has been done to confirm that.

The public should be really concerned because it's clear that we do have a problem of drugs in our jail. It's also clear that the government is doing nothing to get at the problem of drugs coming in our jail. Now the government wants to hand that problem off to the private sector, which is not terribly interested in rehabilitation programs at all. People should be awfully concerned about who is going to protect jail guards in our institutions. Communities should be awfully concerned about who is going to guarantee their community safety.

I am opposed to this resolution because it makes very clear that this government is not interested in dealing with the real problem, which is how drugs are getting into our institutions in the first place. If they really cared about this situation, that's what they'd do.

Mr Garfield Dunlop (Simcoe North): Thank you very much, Mr Speaker, for allowing me the opportunity to speak to this resolution. I would like to thank the member for York North for bringing this important topic up in her private member's time. I would like to start by thanking Minister Sampson—he's not here in the room right now—for the leadership and the professionalism he's shown. I've enjoyed working immensely with Mr Sampson over the last year as we've looked at a private sector partner for the Penetanguishene and North Simcoe correctional facility in my riding. We've had an investment of \$85 million in that facility. It's nearing completion and right now the economic spin-off to the community of Penetanguishene has been approximately \$25 million in building materials, labour costs and housing and accommodation. As well, it's interesting to note that

not too far to the east of me, the Lindsay facility is going up as well and the same type of economic impact is occurring there.

I'd like to thank the opposition for their comments on this resolution as well. It's always nice to hear the fear-mongering continue. It's gone on for a year. When this Penetanguishene facility opens up and it's running in a professional and efficient manner, I think the corrections critic from Brant will be basically redundant in his position.

The comments from Ms Martel about the piggies at the trough were very interesting comments, especially when I hear the amount of concern she had about getting third party status here at the House and the type of money her party receives for research. It's actually very high per capita for membership in this building and I'm disappointed to hear you make those kinds of comments here today.

Interjection.

Mr Dunlop: Yes, seven out of nine of your members get extra money for whatever you do over there, and I think the leader gets a car and a driver as well.

It's no secret that illegal drugs are the source of many problems within our society. Many of us in this House have heard the horror stories about how illegal drugs have ripped apart the fabric of our province. Many people have died or are on the verge of dying due to addiction to hard-core drugs. Substance abuse is a known factor contributing toward criminal behaviour.

Drugs are extremely dangerous in our society, but are even more dangerous in the confined quarters of correctional facilities across our province and indeed across our nation. There are some who say that illegal drugs are not a problem in our prison system and feel that this resolution and the legislation introduced by the minister on Monday is not necessary. I have to tell you that I think they're completely wrong and I disagree with them 100%.

According to an article in the Hamilton Spectator, the number of prisoners in minimum security federal jails who tested positive for drugs has doubled in the last five years. According to a report, 13% of inmates randomly selected at minimum security jail tested positive for drugs in 1999-2000, compared with 7.4% in 1995-96. The federal government randomly tests 5% of its prison population for drugs every month. In Ontario, approximately 83% of adult inmates sentenced to incarceration in provincial correctional institutions and 61% of adult offenders serving sentences in the community are found to have some degree of alcohol or drug dependency.

I also read in Hamilton-Wentworth—and again today I had another one from the Quinte Detention Centre about other drugs being found. A huge drug bust was made in Hamilton-Wentworth in August. The place for this drug bust was not in the streets of Hamilton-Wentworth, but in the detention centre. On August 30 of this year, a man was arrested walking into the Hamilton-Wentworth Detention Centre in possession of various types of suspected controlled substances, including heroin, crack cocaine, marijuana, hash and hash oil.

In August, a federal inmate died of a suspected heroin overdose in a Kingston prison. That was the third inmate to die due to a drug overdose in a Kingston prison in 17 days. A couple of weeks later, the police intercepted a load of the same drug being smuggled into another institution. The worth of the drugs seized at that time was in excess of \$28,000.

According to a book by Kevin Marron called *The Slammer: The Crisis in Canada's Prison System*, prisons often create more serious addicts because drugs are an integral part of the culture. Having drugs inside institutions makes it more difficult for offenders undergoing treatment programs to successfully overcome their addictions. It is much more difficult to get back to the same cycle of substance dependency when there are drugs and alcohol readily available to everyone in the prison. The book went on to say that all the inmates across Canada being interviewed told him that drugs are more plentiful and accessible in prison than on the streets. Again, that's across the whole nation, not just the province of Ontario.

We need to do whatever we can to get drugs out of our correctional facilities. I feel that this resolution, as well as the bill introduced by the minister earlier this week, is an important step in trying to get this problem out of our prison system. Imagine working in a highly dangerous place and adding drugs into the mix.

1150

Inmates who fail to stop using alcohol and/or drugs in institutions are likely to continue using them when they leave the institutions, and often fall back into criminal patterns to support their addictions. That alone should support the reasons for this resolution.

Therefore, we should be doing drug tests on a regular basis on all inmates in Ontario's correctional facilities, and that is why we should support this resolution, as well as support Bill 144 when we have debate on it next week.

Having random as well as targeted drug tests in Ontario's correctional facilities will deter criminals from bringing and using drugs in our institutions. Knowing they could be tested at any time without warning and have to face significant penalties, including an increase in time spent in jail, will likely deter some inmates from using drugs, while having programs available to treat addictions will also assist by providing inmates help in overcoming addictions.

This resolution, which I fully support, is an important step in trying to make our prison system safer for both the inmates and the people working in the correctional facilities. Earlier this week the minister introduced legislation to continue to reform our prison system, forcing inmates to actually earn their release while they're in prison.

The proposed legislative changes fulfil our government's promises that we made during the 1999 provincial election. As a government, we feel we need to transform Ontario's correctional system into one that puts public safety first, achieves better results, creates more secure and efficient institutions, and improves accountability.

I'd like to conclude my remarks today by urging all members to support this resolution, and I'd like to sup-

port the Minister of Correctional Services and thank him for the 300 jobs that will be in my riding as a result of this correctional facility in Penetanguishine.

The Deputy Speaker: Further debate? The Minister of Community and Social Services. I'm sorry, the member for Brampton Centre.

Mr Joseph Spina (Brampton Centre): I'm glad I didn't have that promotion. I wouldn't want to be the Minister of Community and Social Services, because I think the current one is probably one of the best we've ever had in the history of this province, in addition to being the colleague who sits in front of me.

I'm really troubled by the comments made by the opposition today, particularly the members from Hamilton East and Nickel Belt. I think about the words that were used in the resolution the member for York North brought forward:

"Be it resolved that the Legislative Assembly of the province of Ontario,

(a) believes that the introduction of illegal drugs into correctional institutions is a grave danger to correctional staff."

By opposing this, I can only assume and draw the conclusion that these opposition members don't believe that. Further, this resolution "believes that illegal drugs cause violent and erratic behaviour in offenders." Clearly the members of the opposition don't think that's the case. They know "that the use of illegal drugs compromises the ability of offenders to successfully complete treatment programs to overcome their addictions." If the opposition is against this, I can only assume they are encouraging the use of illegal drugs in prisons. They support "action to eliminate the use of illegal drugs in correctional institutions." If they're opposing this, I can only assume that the opposition wants to support the use of illegal drugs rather than the elimination of them. You talk about being silly, but these are the kind of stupid, erratic conclusions that sometimes the opposition draws on government bills. Lastly, they are opposed to introducing "regular and random drug tests of all sentenced, remand and intermittent offenders in Ontario's correctional facilities."

I live in a community that has a minimum security prison, and this is a situation that has surfaced. Let me read this from the Standard, St Catharines-Niagara. This is written by Marlene Bergsma, Standard staff:

"Bold and intimidating drug dealers are using Ontario courts to arrange their drug deliveries, a coroner's inquest was told Wednesday.

"People go to courtrooms and watch proceedings to see who is going in on Fridays," that is, they're sentenced to intermittent terms.

For the individual who has been charged and convicted to go for intermittent service, this is not easy. They are intimidated. They can't say, "I don't want to participate in that. I don't want to run drugs into the prisons." The reality is they're intimidated. They're in a position where they have a lot to lose and they have to deal with other inmates in there. This is a gap in the system that we

are trying to plug. That's what this resolution is after. I can only assume that if the opposition opposes this, they endorse the use of illegal drugs in the prisons.

The Deputy Speaker: The member for York North has two minutes.

Mrs Munro: Thanks to all those who have taken part in this morning's debate. I certainly appreciate the comments that have been made.

I'd like to simply emphasize a couple of points that were brought up. One of the issues that more than one speaker referred to was the fact that the resolution didn't specifically deal with the allocation of resources. I want to remind the members that according to standing order 56, it would be inappropriate for there to be a specific direction of allocation of funds.

More importantly, as to their comments in regard to that, part (c) of this resolution refers to "successfully complete treatment programs." We understand that the first step is being able to have drug testing. This is the prime reason for this resolution, recognizing it is only through drug testing that any kind of change, any kind of opportunity for inmates can be effected. So it is to those two parts of the resolution that I would direct members' attention, because they clearly speak to the need to be able to, first, know the issue through testing, and then, second, be able to look at the ways in which we can make those people's lives more successful and break that re-offending pattern we have seen.

The Deputy Speaker: The time for debating this ballot item has now expired.

PUBLIC HOSPITALS AMENDMENT ACT (PATIENT RESTRAINTS), 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES HÔPITAUX PUBLICS (MESURES DE CONTENTION)

The Deputy Speaker (Mr Michael A. Brown): We will deal first with ballot item number 49. Ms Lankin has moved second reading of Bill 135.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will call in the members after I put the voice vote on the next ballot item.

DRUG USE IN CORRECTIONAL FACILITIES

The Deputy Speaker (Mr Michael A. Brown): We will now deal with ballot item number 50. Mrs Munro has moved ballot item number 50.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will now call in the members on ballot item number 49 and then call in the members for ballot item number 50. There will be a five-minute bell.

The division bells rang from 1159 to 1204.

PUBLIC HOSPITALS AMENDMENT ACT (PATIENT RESTRAINTS), 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES HÔPITAUX PUBLICS (MESURES DE CONTENTION)

The Deputy Speaker (Mr Michael A. Brown): Ms Lankin has moved second reading of Bill 135. Would all those in favour please stand and remain standing until your name is called.

Ayes

Agostino, Dominic	Gilchrist, Steve	Parsons, Ernie
Amott, Ted	Guzzo, Garry J.	Peters, Steve
Baird, John R.	Hardeman, Ernie	Pupatello, Sandra
Barrett, Toby	Hodgson, Chris	Runciman, Robert W.
Bartolucci, Rick	Hudak, Tim	Ruprecht, Tony
Boyer, Claudette	Kwinter, Monte	Sampson, Rob
Bradley, James J.	Lalonde, Jean-Marc	Sergio, Mario
Christopherson, David	Lankin, Frances	Smitherman, George
Churley, Marilyn	Levac, David	Spina, Joseph
Clement, Tony	Marchese, Rosario	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
Conway, Sean G.	Martel, Shelley	Stockwell, Chris
Cordiano, Joseph	Martin, Tony	Tascona, Joseph N.
DeFaria, Carl	Martiniuk, Gerry	Tsubouchi, David H.
Dombrowsky, Leona	McLeod, Lyn	Turnbull, David
Duncan, Dwight	Molinari, Tina R.	Wilson, Jim
Dunlop, Garfield	Munro, Julia	Wood, Bob
Gerretsen, John	O'Toole, John	Young, David

The Deputy Speaker: All those opposed will please stand and remain standing until your name is called.

Nays

Elliott, Brenda	Hastings, John	Maves, Bart
Galt, Doug	Johnson, Bert	Ouellette, Jerry J.
Gill, Raminder	Klees, Frank	Wettlauffer, Wayne

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 54; the nays are 9.

The Deputy Speaker: I declare the motion carried.

Pursuant to standing order 96, this bill will be referred to the committee of the whole House.

Ms Frances Lankin (Beaches-East York): I'd like to refer it to the standing committee on the Legislative Assembly.

The Deputy Speaker: Agreed? Agreed.

DRUG USE IN CORRECTIONAL FACILITIES

The Deputy Speaker (Mr Michael A. Brown): We will now deal with ballot item number 50. Before we do that, we will open the doors for 30 seconds.

Would members take their seats. Mrs Munro has moved ballot item number 50. All those in favour will

please stand and remain standing until your name is called.

Ayes

Amott, Ted	Hastings, John	Ruprecht, Tony
Baird, John R.	Hodgson, Chris	Sampson, Rob
Barrett, Toby	Hudak, Tim	Spina, Joseph
Bradley, James J.	Johnson, Bert	Sterling, Norman W.
Clement, Tony	Klees, Frank	Stewart, R. Gary
Coburn, Brian	Kwinter, Monte	Stockwell, Chris
Conway, Sean G.	Lalonde, Jean-Marc	Tascona, Joseph N.
DeFaria, Carl	Marland, Margaret	Tilson, David
Dunlop, Garfield	Martiniuk, Gerry	Tsubouchi, David H.
Elliott, Brenda	Maves, Bart	Turnbull, David
Galt, Doug	McLeod, Lyn	Wettlauffer, Wayne
Gerretsen, John	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Wood, Bob
Gill, Raminder	O'Toole, John	Young, David
Guzzo, Garry J.	Ouellette, Jerry J.	
Hardeman, Ernie	Runciman, Robert W.	

The Deputy Speaker: All those opposed will please stand and remain standing until their name is called.

Nays

Agostino, Dominic	Dombrowsky, Leona	Martin, Tony
Bartolucci, Rick	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Lankin, Frances	Peters, Steve
Christopherson, David	Levac, David	Pupatello, Sandra
Churley, Marilyn	Marchese, Rosario	Sergio, Mario
Cordiano, Joseph	Martel, Shelley	Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 46; the nays are 18.

The Deputy Speaker: I declare the motion carried.

Hon Margaret Marland (Minister without Portfolio [Children]): On a point of order, Mr Speaker: I know the members of this assembly would wish to recognize the presence in the members' gallery of the Hon-ourable Margaret McCain, the co-author of the Early Years Study.

The Deputy Speaker: As you know, that's not a point of order, but we welcome her.

All matters before the House relating to private members' public business now being complete, I do now leave the chair. The House will resume at 1:30 of the clock.

The House recessed from 1211 to 1330.

MEMBERS' STATEMENTS

LABOUR DISPUTE

Mr Rick Bartolucci (Sudbury): Earlier today in an outstanding gesture of compassion and community spirit, the Retail, Wholesale and Department Store Union in Sudbury announced it will provide 1,300 Christmas turkeys to our striking Falconbridge workers.

About 1,250 Falconbridge workers have been off on strike since August 1. These are people with families, people who helped build the community, people who pay

taxes and, last but not least, people who have the right to negotiate the terms of employment in a province that is not anti-union, not anti-labour and that disregards the reality of working people. Today's announcement is a bright glimmer in the otherwise bleak, anti-labour environment created by Mike Harris.

I am proud that my community has rallied around our workers. This has helped the Falconbridge workers in these trying times and will buoy spirits and strengthen their resolve. I applaud the efforts of the Retail, Wholesale and Department Store Union to ease the financial burden for these affected families. I commend its president, Robin McArthur, and his executive for their leadership on this initiative and I congratulate the membership for their generosity and their well-placed values.

I also commend Mine Mill/CAW local 598 president, Rolly Gauthier, who has remained steadfast, level-headed and focused on the issues.

In the meantime, I will continue to urge the Mike Harris government to stop their merciless attack on labour and abandon their plans to destroy free collective bargaining in Ontario.

RAMADAN

Mr Bob Wood (London West): As many members of this House will know, one billion Muslims throughout the world will be observing a month of fasting during Ramadan, starting around November 30 this year.

Muslims regard Ramadan as a spiritual tune-up. It's a time for inner reflection, devotion to God and self-control. The third pillar or religious obligation of Islam, fasting, has many benefits, the most important of which is that it teaches self-control. Ramadan is also a time of intensive worship, reading of the Koran, giving charity, purifying one's behaviour and doing good deeds. In fulfilling the teaching of their faith, they demonstrate to us a commitment to righteousness and a compassion for the needy, qualities to which we can all aspire.

Ramadan will end with the celebration of the feast of Eid Al-Fitr in about one month's time. At that time, Muslims will gather for prayers and then exchange presents and share alms with the needy so that all members of the community may be able to celebrate together.

I know I speak on behalf of all members of this House in extending greetings to the Muslim community of Ontario and in wishing them Ramadan Kareem and Eid Mubarak. These greetings, which in Arabic mean "May you have a month of giving and a blessed feast," speak to the central meaning of Ramadan.

EDUCATION FUNDING

Mr Mario Sergio (York West): I'm very sad to report to the House that Bill 74, the infamous funding formula, has claimed another victim, or I should say more victims. This particular time, 90 seniors in the tiny community of Bluehaven at Bluehaven school were shut out. The school has closed them out from one room

which they've been using for years, paid for by the city. The school has kicked them out. They have no more room, and it's a shame that these 90 seniors have nowhere else to go. The nearest community centre is about one mile away, and I don't think we have many seniors who would like to walk about a mile, in particular in weather such as today's, and cross one major intersection.

These are the kinds of seniors who don't have very much and ask very little. They were asking for this government to maintain this particular room where they congregate, have recreational activities, have all kinds of dos on behalf of the local communities. This is no longer, and I have to say shame on Mike Harris, shame on his government, shame on Bill 74, which fails to look after the most needy, the seniors in our community. Shame on this government.

BLOOD DONATION

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Giving blood is giving the gift of life. Every year, thousands of Ontarians benefit from the generosity of strangers who give blood to save the lives of their fellow citizens, most of whom they don't even know.

Interjection: They must all be Tories.

Mr Gill: They are.

A well-stocked blood supply is particularly important this time of year, in the run-up to the Christmas season, as snow and ice make our roads treacherous.

It only takes a few minutes of our time to help save someone's life and make sure they make it through the holidays. Ontario citizens have shown, through their response to our organ donation drive, that they come through when there's a need. Blood donation is just as important, and I know Ontarians will come through, led by the city of Brampton.

Over the next three days, Brampton residents will have the opportunity to give blood at clinics sponsored by all three Brampton members of this House: Friday from 1 pm to 8 pm at the Bramalea Baptist Church at 9050 Dixie Road; Saturday from 12 pm to 4 pm at the Chinguacousy Wellness Centre, 995 Peter Robertson Boulevard; and Sunday from 12 pm to 4 pm at Shoppers World, Bay Court.

I know that many members of my caucus, as well as a few from across the way, run blood donor clinics to help meet the needs of this time of year. I join with my colleagues the members from Brampton Centre and Brampton West-Mississauga in urging our constituents to give the gift of life.

DOCTOR SHORTAGE

Mr Dwight Duncan (Windsor-St Clair): Last year the McKendry report was tabled. It called on the government to create an additional 110 medical school places in this province. Careful analysis indicates that we

should probably be creating between 170 and 250 new positions in order to meet increasing demand.

The University of Windsor and the University of Western Ontario have come up with what I think is a very unique, cost-effective way of increasing the supply of physicians. This partnership was announced in some detail yesterday and has widespread support from the London community, from our community and from the Sarnia-Kent-Lambton communities. I hope the government will act on the recommendations to in effect create a medical school campus at the University of Windsor affiliated with the University of Western Ontario.

This would aid in the physician shortage problem and would provide many opportunities for young physicians to locate in that part of the province, which includes ridings that are held by government members. It's my hope that my colleagues from London and Lambton on the government side will join with me in urging the Minister of Health and the Minister of Colleges and Universities to agree with the recommendations that would call for the creation of this joint initiative, which has been endorsed by the district health council as well. It's important for our community and it's important for our province.

LABOUR DISPUTE

Ms Shelley Martel (Nickel Belt): I would like to invite the Minister of Labour to come to my riding to try and tell workers there that the best thing that ever happened to them was the election of the Conservative government. In fact, I'd like him to speak specifically to the 1,200 Mine Mill/CAW workers who have now been on strike against Falconbridge for 115 days.

Thanks to the Harris government, the company has used scab labour from day one of this strike. Thanks to the Harris government, the company has been able to continue modest production at the smelter because of the scab labour. Thanks to the Harris government, the company is under no pressure to return to the bargaining table because it can use scab labour, continue modest production, meet a number of its commitments and still keep its employees out on the picket line. Thanks, Harris government.

I'm proud to have been part of a government which banned scabs during strikes and lockouts. When employers knew they couldn't use scabs to maintain production during a strike, they got to the table and they got on with the business of negotiating a contract. In 1993, in the first year of the ban on scabs, the Ministry of Labour reported the lowest days of production lost due to strikes in Ontario since the ministry began keeping such records in 1975. Our legislation worked exactly as it was supposed to.

If the Harris government really wanted to help working people, it would ban scabs again in Ontario. That would end the strike in Sudbury. As important, it would ensure that workplace parties elsewhere would get an

agreement, because there is no incentive to do otherwise. That would really help in Ontario.

MUNICIPAL RESTRUCTURING

Mr Toby Barrett (Haldimand-Norfolk-Brant): As many in the Legislature are aware, history was made in my riding with the recent election of councillors for the two new jurisdictions of Norfolk and Haldimand, new municipal bodies that take effect this coming January 1, 2001.

People know that I have been involved in the battles for a better form of local government over the past five years and long before that. In addition, my office has received many inquiries on municipal restructuring, and thousands of names on petitions to eliminate regional government in our area. I, as MPP, have taken these inquiries and petitions very seriously and I continue to dialogue and communicate with my residents on how best to achieve municipal goals of less spending, less red tape and lower taxes.

Over the years, local people have made it very clear to me that they want a more open and accountable form of municipal government. Through our government's bill, the Fewer Municipal Politicians Act, and my legislation entitled An Act to eliminate regional government, end duplication and save taxpayers money, we as a government continue to communicate our vision for municipal governance.

The residents of Haldimand and Norfolk chose to lower the number of politicians and lower the number of municipalities when they called for restructuring of the region. On January 1, we will deliver that promise.

1340

HIGHWAY 407

Mr Gerry Phillips (Scarborough-Agincourt): I want to comment on a question from the member for Durham, Mr O'Toole, yesterday to the Minister of Transportation about the 407 and urge him to join us in trying to get to the bottom of this 407 rip-off.

I'm sure he's aware, but maybe his constituents aren't, that when the 407 gets to his riding, for anyone who uses the 407 and drives to, for example, Yonge Street, their tolls will be \$4,000 a year. When the government announced the deal, they said that after 15 years the tolls may go up as much as three cents a kilometre—after 15 years. In the first year, tolls in many cases have gone up three and a half cents a kilometre.

This little licence deal—if any of you have had to renew your licence recently, you'll see on the bill that it says you have to pay a fee for your licence, any outstanding fines, and then outstanding 407 tolls. Your constituents are going to find that Mike Harris is now the toll enforcer.

The government ripped off the 407 users for \$1.6 billion. This toll road cost \$1.5 billion to build and was sold for \$3.1 billion; \$1.6 billion will be paid by the users: the 407 users, the 905 users.

Finally, the minister pulled a real fast one. He signed a deal that prohibited the buyer from releasing the deal, so we can't get the deal made public. We need your help, Mr O'Toole.

Mr John O'Toole (Durham): On a point of order, Mr Speaker: I believe the member for Scarborough-Agincourt has raised a question—quite seriously, the Minister of Transportation has made major commitments to the riding of Durham, and I thank him for it.

The Speaker (Hon Gary Carr): That is not a point of order. It may be a point of debate.

FEDERAL LEGISLATION

Mr Doug Galt (Northumberland): With a federal election scheduled for next Monday, I would like to draw to your attention several things. In their self-serving rush to call an early election, the federal Liberals have permitted dozens of acts and pieces of legislation to die on the order paper. It seems that the Prime Minister has been too busy renaming mountains and fending off RCMP investigations to spend time passing meaningful legislation. If he truly believed that the legislation was important to Canadians by introducing it in the first place, then I believe he owes Canadians an explanation for his inaction.

In Ottawa, there are almost 20 pieces of federal government legislation that will never become law. I have a strong interest in one, Bill C-17, An Act to amend the Criminal Code. This bill proposed an amendment to the Criminal Code to increase penalties for animal abusers. As the members in this House may recall, I brought forward a resolution to lobby the federal justice minister for those amendments. That resolution received the unanimous support of this House, but where is it? Dead as a doornail. I wonder where their priorities lie. Once again they're demonstrating their disdain for the opinions of Canadians, but taking their record into account, I'm not surprised that the federal Liberals have disappointed me once again.

ORDER OF BUSINESS

The Speaker (Hon Gary Carr): Members will be aware that there appears on today's Orders and Notices two notices of an opposition day to be debated next week.

Under standing order 42(d), the Speaker is required to select one of these notices for consideration, taking into account the order in which they were received.

I would like to advise the members that the motion by Mr Christopherson will be the one that will be selected for debate next week.

Reports by committees? Introduction of bills? Motions?

Hon Chris Stockwell (Minister of Labour): Oh, sorry. Introduction of bills.

The Speaker: Introduction of bills; the Minister of Labour.

Hon Mr Stockwell: I'm sorry, I was waving at my friends in the gallery, Mr Samuelson and Mr Ryan.

INTRODUCTION OF BILLS

EMPLOYMENT STANDARDS ACT, 2000

LOI DE 2000 SUR LES NORMES D'EMPLOI

Mr Stockwell moved first reading of the following bill:

Bill 147, An Act to revise the law related to employment standards / Projet de loi 147, Loi portant révision du droit relatif aux normes d'emploi.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1346 to 1351.

The Speaker: Mr Stockwell has moved first reading of a bill entitled An Act to revise the law related to employment standards. All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Clement, Tony
Cunningham, Dianne
Dunlop, Garfield
Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gilchrist, Steve
Gill, Raminder
Guzzo, Garry J.
Hardeman, Emie
Hodgson, Chris

Hudak, Tim
Jackson, Cameron
Johns, Helen
Johnson, Bert
Klees, Frank
Marland, Margaret
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Murdoch, Bill
Mushinski, Marilyn
O'Toole, John
Palladini, Al
Runciman, Robert W.

Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stockwell, Chris
Tilson, David
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

The Speaker: All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic
Bartolucci, Rick
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Christopherson, David
Churley, Marilyn
Colle, Mike
Conway, Sean G.

Cordiano, Joseph
Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Kwinter, Monte
Lalonde, Jean-Marc
Lankin, Frances
Levac, David
Martel, Shelley

Martin, Tony
McGuinity, Dalton
McMeekin, Ted
Parsons, Emie
Peters, Steve
Phillips, Gerry
Ruprecht, Tony
Sergio, Mario

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 43; the nays are 26.

The Speaker: I declare the motion carried.

The minister for a short statement?

Hon Chris Stockwell (Minister of Labour): This bill today will increase parental leave provisions under the Employment Standards Act to match the federal benefits, effective January 1, 2001. It also includes 10 unpaid, job-protected family crisis leaves at places employing 50 or more people. It provides employers and employees with the flexibility to design working arrangements to fit their needs. Further, it maintains the 48-hour workweek and overtime provisions after 44, an eight-hour day to a maximum of 60 hours.

It will raise fines for repeat offenders who contravene the law. It will also establish a committee for the garment industry that will be made up of labour and employers, to determine whether there need to be special regulations.

WEARING OF PINS

Mr John O'Toole (Durham): On a point of order, Mr Speaker: With your indulgence, I'd like to seek unanimous consent that members would be allowed to wear this lapel pin, "Ontario's Living Legacy," being given out by the Ministry of Natural Resources.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: I ask for unanimous consent to allow the Minister of Labour to give a statement in the House, as he did outside the House, in regard to this massive legislation that has been put on our desks.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Introduction of bills? Motions?

Interjections.

The Speaker: I'm sorry. A point of order. I knew somebody was yelling something.

Ms Shelley Martel (Nickel Belt): On a point of order, Mr Speaker: Given that the Minister of Labour says the government is going to extend parental leave, I'd ask for unanimous consent for this assembly to deal with Bill 138, the Fair Parental Leave Act, second and third reading today.

The Speaker: Is there unanimous consent? I heard some noes.

Motions? Statements by ministries? Then that brings us down to question period.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: Given the escalating crisis with regard to petroleum product prices, I would ask unanimous consent for second and third reading of my bill, Bill 52, An Act to provide an interim freeze in the price of certain petroleum products, which would roll back the price and keep that price at that level until this government can get a handle on this industry.

The Speaker: Is there unanimous a consent? I heard some noes.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Mr Speaker: I have Bill 18, and I seek unanimous consent for second and third reading of my bill. It's a bill

that will set up a watchdog with respect to gas prices. As you know, this government is doing nothing as gas prices are going through the roof all over this province.

The Speaker: Is there unanimous consent? I heard some noes.

Mr Dave Levac (Brant): On a point of order, Mr Speaker: I'm seeking unanimous consent from the House to pass Bill 60, An Act to prohibit discrimination in the supply of gas and diesel oil to retail dealers. The purpose of this is to ensure that—

The Speaker: We won't get into the purpose. We'll just ask for unanimous consent. I heard some noes.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: I'm asking for unanimous consent—

Interjection: No.

Mr Bradley: My friend should be ready to listen. I'm asking for unanimous consent to have second and third reading of private member's Bill 15, which prevents oil companies from selling at one price to their own dealers and at another price to independents, to protect independents.

The Speaker: Unanimous consent? I heard some noes.

Mr Mario Sergio (York West): On a point of order, Mr Speaker: I would like to seek unanimous consent to allow the Minister of Labour to tell the House how many weeks of public hearings on Bill 69 we are going to have.

The Speaker: I heard some noes.

ATTENDANCE OF MINISTERS

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: It is customary for the government to inform the official opposition about which ministers will and will not be in the House. Earlier today we were informed that Premier Harris, Mr Eves, and Mr Newman would not be in the House. Accordingly, we planned our questions around a number of other ministers, including Mr Runciman, who is not here. Will he be coming in momentarily? Our very important questions—

The Speaker: What we'll do is—the government House leader, on the same point?

Hon Norman W. Sterling (Minister of Inter-governmental Affairs, Government House Leader): We attempt, as best as possible, to provide the names of ministers who can attend question period. However, recently opposition has divided on first reading, has asked for unanimous consents for every bill in the world. Therefore, ministers are unable to plan their schedules and be here right at the start of question period.

The Speaker: That's not a point of order.

VISITORS

The Speaker (Hon Gary Carr): I would like to inform the members of the Legislative Assembly that we have in the Speaker's gallery a parliamentary delegation from the National Assembly of Québec, led by Mr François Beaulne, attending the 11th general assembly of

the Ontario-Québec Parliamentary Association. Please join me in welcoming our guests from Quebec.

1400

ORAL QUESTIONS

The Speaker (Hon Gary Carr): It is now time for question period; the leader of the official opposition.

Mr Dalton McGuinty (Leader of the Opposition): Speaker, if I may, before I begin, just a point of clarification: I'm not clear, then, as to whether or not the Minister of Consumer and Commercial Relations will be present.

The Speaker: If I understood some of the yelling, he is here. He may be just in the back. There is a procedure to stand down the first question and go to the second question, if you would like to do that.

AGRICORP

Mr Dalton McGuinty (Leader of the Opposition): My first question then today will be to the Minister of Agriculture. In connection with the Agricorp scandal and your involvement, on October 2 you assured me and the farmers of Ontario that the farm safety net money was never used in any day trading. Of course, the press took you at your word when you made that statement in the House on October 2. A couple of articles were printed in various communities in the province. One headline read, "Farm Safety Net Safe"; another one read, "Farm Safety Net Not in Jeopardy."

We now know that in fact you met with the Provincial Auditor in January and that you received a written report in August informing you that farm safety net money had been used in day trading. On behalf of Ontario farmers, Minister, why did you provide them with a false assurance?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): As I've indicated on many occasions, I acted to ensure that the problems at Agricorp were addressed as quickly and as expediently as possible. We continue to co-operate with the auditor on this issue and we are implementing all the recommendations he made in order to deal with this issue. The message I gave to the member for Elgin-Middlesex-London on September 13, when I wrote him about this issue, and the message I gave him in this House on October 2, on both occasions, was that the trading losses were absorbed in Agricorp's operating capital. I made that clear to the members opposite.

Mr McGuinty: Minister, you didn't answer my question. Things were so bad over at Agricorp, listen to what the Provincial Auditor said in his statement at the time he released his recent report: "In our audit of Agricorp we became so concerned about Agricorp's repeated attempts to violate its fiduciary responsibility that, in a very unusual move by my office, we had to take action to ensure that monies were not inappropriately used."

The Provincial Auditor met with you, Minister, sometime in January or February and then he provided you with a written report in August, and on both occasions he told you there was a serious problem at Agricorp. When I raised this very issue with you in October, you said you were unaware of any such problem and you provided assurances to the farmers who trusted you on this matter that there was no problem. I'm asking you one more time, on behalf of Ontario farmers, why did you tell us that farm safety net insurance monies were never at risk when in fact they were?

Hon Mr Hardeman: I'm having a little trouble understanding the question. I can assure the member opposite, as I have many times in this House prior to this, that I was made aware by our ministry staff that there were problems over at Agricorp. On January 27 we wrote the Provincial Auditor to ask for his assistance, to make sure that he looked at things and that when he had the appropriate information to get that to us as quickly as possible and to assist us in any recommendations we could implement to make sure the situation at Agricorp would not be repeated in the future.

Mr McGuinty: Minister, I think the bottom line is that we need to find out what truly went on here. We need to find out exactly what you knew and when you knew it. We also need to ensure that Ontario farmers can regain their confidence in the monies for which you have responsibility, in the knowledge that everything that should be done is being done.

Under your watch, Agricorp lost \$325,000 in day trading. They paid \$400,000 for advice that turned out to be illegal. They paid \$14 million for a reinsurance scheme for which no tender was ever put out, and the Provincial Auditor told us that scheme was probably not needed in the first place. The Provincial Auditor, in a very unusual move, had to step in to Agricorp and actually take action, and you tell us that on October 2 of this year you knew nothing about that.

My question to you, Minister, on behalf of Ontario farmers, is, don't you think it's time to call in the Ontario Provincial Police? The Premier said he had no aversion to that. You said that yesterday outside in the hall. Don't you think the appropriate thing to do, to get to the bottom of this, is to bring in the Ontario Provincial Police?

Hon Mr Hardeman: I have to question the selective memory of the leader of the official opposition. I just want to point out in the Hansard of October 2, the date to which the member refers, two statements I made in the House that day:

"I can assure you that when it was found out that the situation at Agricorp was that some actions had been taken with money that shouldn't have been taken, we immediately asked the Provincial Auditor to look at the matter. He did, and made recommendations as to some things we should do to ensure this would not happen again. We have taken all those measures....

"Again, I want to point out that the losses at Agricorp are regrettable....

"I want to assure you that all the money the member is referring to has been absorbed in the operation budget of

Agricorp to make sure that none of this money will come out of the safety net and the insurance program for the farmers."

That's what I said on October 2, that's what I mean today and that's what I will mean tomorrow and next year.

SPECIAL REPORT, PROVINCIAL AUDITOR

Mr Dalton McGuinty (Leader of the Opposition):

The second question is for the Minister of Consumer and Commercial Relations. Ontario taxpayers have been left reeling with the news that at Teranet you somehow turned what was originally supposed to cost Ontario taxpayers \$275 million into a \$1-billion runaway locomotive.

This project was originally supposed to cost \$275 million. By June 1998, the cost had risen to \$560 million and you said, "Well, that's all right by me." In 1999, the cost went up to \$700 million. You said on behalf of Ontario taxpayers, "Well, that's all right by me." Now the auditor tells us we're looking at a cost of over \$1 billion. When you were asked to defend this 364% cost overrun, Minister, you actually tried to blame it on inflation. This isn't Brazil and this isn't Argentina. Would you now admit that it's not South American inflation that has influenced this terrible cost overrun, it's been gross mismanagement?

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): Maybe I should have blamed it on Greg Sorbara and David Peterson, because they're the folks who started this process. There's a long history to this, as the Leader of the Opposition should know. In fact, my colleague the honourable David Tilson was very much involved in the arrangements originally with respect to how this all came about. Quite frequently we see the names Sorbara and Peterson jump to the forefront.

We're not blaming anyone else for this situation. This is something that has evolved. The leader is talking about a projected cost if indeed we do not address the concerns the auditor has identified.

Mr McGuinty: Minister, your government's been on the job now; you're in your sixth year. You can talk as much as you want about ancient history, but at some point in time you're going to have to take responsibility for what's happening today.

Again, originally we started with a \$275-million cost projection. In 1998 that doubled to \$560 million. In 1999 it tripled to \$700 million. Now the Provincial Auditor tells us it has quadrupled to over \$1 billion. All of this has happened on your watch, but apparently you haven't even been watching. What I'm going to request you do, Minister, is spend a little less time protecting the interests of Stockwell Day and a bit more time protecting the interests of Ontario taxpayers. Will you now admit that this has nothing to do with inflation and that it has everything to do with your government's gross mismanagement?

1410

Hon Mr Runciman: We are concerned about this. I expressed that concern the other day. This is not a concern based solely on the comments of the auditor. The concerns were shared by the NDP as well. They went through a contract extension with the Teranet officials several years ago.

We did send in a company to take a look at the operations some time ago, several months ago, prior to the auditor's arriving on the scene, because we have concerns about what the future holds if we do not find ways in which to deal with these expenditures.

Indeed, the \$275 million was the original expenditure forecast by the Liberal government of the day, which conceived this project originally—

The Speaker (Hon Gary Carr): The minister's time is up. Final supplementary.

Mr McGuinty: I've only been here 10 years and I've only seen 10 Provincial Auditor's reports. But in those 10 years I have never seen or heard anything of the likes of this, a \$725-million cost overrun. That's what we are talking about here. These were the people who were going to protect the interests of Ontario taxpayers. These were the people who were going to bring government costs down.

It turns out that, at the end of the day, this minister is so devoted to the principal cause of putting Stockwell Day into the seat on Parliament Hill that he has neglected his duties in Ontario to look after the interests of Ontario taxpayers.

One more time, Minister: why don't you admit now that this has nothing to do with any other flimsy excuse you might bring to the fore, that it has everything to do with your gross mismanagement of this file?

Hon Mr Runciman: The member says he's been around here for 10 years, so I'm sure he can remember items like Ataratiri. What has that cost the taxpayers, \$1 billion, something like that? The Provincial Auditor wouldn't even sign off on the books to the Liberal government. You talk about sheer incompetence.

And he has the gall to get up here and talk about one of the federal leaders. He should be talking to his own leader at the federal level. We simply talk about mismanagement. The HRDC scandal, \$1 billion down the toilet from the federal Liberal government.

Interjections.

The Speaker: Order. The minister take his seat. Order. It is getting a little bit too loud. I can't hear the minister. Minister, sorry for the interruption.

Hon Mr Runciman: He uses sums and figures which are not accurate at all, but that's typical of a Liberal. These are projections if we do not make changes. These are alarm signals, if you will. If we don't address them now, we could be facing those kinds of cost overruns. We are addressing them.

LABOUR LEGISLATION

Mr David Christopherson (Hamilton West): My question is to the Minister of Labour. It would appear

that it is official today: your government is so committed to making your corporate friends happy that you're even willing to break up families to do it. Until today, workers at least had hope that if their boss forced them to choose between a 60-hour workweek and their kids, the government may step in and be on their side.

Now you're telling workers that they have to choose, "You're on your own." Your government doesn't seem to care how many hours people have to work. You don't care how many times working parents are going to see their children go home to empty houses. You don't seem to care how many parents are going to miss soccer games and Christmas concerts when they know they want to be there to support their families. Your answer seems to be: "You gotta work? Too bad. These are the rules, Mike Harris's rules."

Minister, you're telling people in Ontario, parents, that a 60-hour workweek is reasonable. I want you to explain to this House and to the people of Ontario what at all is reasonable about choosing between your job and your children.

Hon Chris Stockwell (Minister of Labour): Let's understand a few things first. The present system in place today allows people to work over 48 hours a week. When you were in government, you provided 18,000 permits to allow people to work more than 48 hours a week. The fact of the matter is, to my friend from Hamilton, rather than create an entire bureaucracy processing the permits, it seems to me it would be better to allow the employee and the employer, by written consent, to agree to extend their workweek. Nothing else has changed. It is still a 48-hour maximum, still overtime over 44 hours.

The only difference is that we're allowing the opportunity for the employee and the employer to make that agreement.

There's not a lot of difference from the old system; it's very similar. It just creates flexibility for parents and people out there who work to create their own workweek.

Mr Christopherson: First of all, let me remind you that most of the world is going in the opposite direction in terms of working shorter hours, not providing legislation that has people working longer hours.

Let me also remind you of the reality of the workplace. You make it sound as if being at work is belonging to some kind of social club where everybody sits around and is palsy-walsy. The fact of the matter is that it's very difficult for a lot of people to say no to a boss who pressures them to work overtime. You're now bringing in a law which will make it that much more difficult for workers to say no to a boss who's pressuring them to work overtime.

I ask you again, Minister, what on earth is reasonable, in terms of supporting family values, in providing a law that will have employers exerting pressure on employees, and they either say yes or no to that overtime and at the same time they're having to say yes or no to their own kids? What kind of family values law is that?

Hon Mr Stockwell: With great respect, the member opposite has got the facts wrong. You're telling me that all over this country they're going the other way. There

are six provinces that have no minimum workweek; you can work as long as you want. There's no maximum, no minimum, nothing. So what are you talking about? What are you trying to tell everybody, that out there somehow we're creating this brand new law that's not in place anywhere else and we're forcing it down their throats? It's not true.

The simple fact of the matter is more provinces in this country have no maximum workweek. We are capping the workweek as it was before, but we also believe that if an employee knows what's best for him or her and their family, they can make a decision about what workweek is going to work for them, and he doesn't need you telling him what are the best hours to work. I think they're big enough and smart enough to make that decision themselves.

The Speaker (Hon Gary Carr): Final supplementary.

Ms Shelley Martel (Nickel Belt): Minister, how quickly your government's concern for kids and families falls right off the table when your corporate buddies come calling, because the fact is that your bill is going to force workers to choose between their families and their jobs. The choice is: they can work 60 hours a week and they can kiss goodbye to their families, or they can tell their employer that they're not going to work 60 hours a week and they can kiss goodbye to their job. That's the reality in the workplace. What planet are you living on, Minister?

That choice isn't softened by the extension of parental leave. Most parents who can, had better take extended parental leave because when they return to work and are faced with a 60-hour workweek they're not going to see much of their kids ever again, are they, Minister? Why?

Your bill is an attack on families and kids. Why are you trying to destroy Ontario family life with a 60-hour workweek?

Hon Mr Stockwell: I'll tell you what planet I live on: Earth. You should visit it once in awhile.

If you were so concerned about this, why did you issue 18,000 permits for people to work longer than 48 hours a week? If this was such a burning, contentious issue in my socialist friend's head, while you were sitting over here in cabinet, why didn't one of you come up with the bright idea to abolish the permit system? You didn't. You allowed them to work. You thought it was a good idea. The only difference today is that more people are working and there are more jobs out there, thankfully, because we got elected. That's the big difference. I'll tell you, I don't understand why you think today it's a bad system and a bad issue and when you were in government you thought it was wonderful.

1420

PROPERTY TAXATION

Ms Marilyn Churley (Toronto-Danforth): For the Minister of Municipal Affairs: your property tax bill is like a home invasion. First you break into the house and

you dump the cost of transit, welfare and social housing, then you steal homeowners' hard-earned cash by forcing them to pay the entire cost of any tax increase while you are letting business off scot-free. Your downloading and your property tax bill mean that Toronto homeowners could face a 16% tax hike. That's \$400 on an average house in Toronto.

Once again you are tinkering with a system that doesn't work, more so now, with your download combined with the volatility of market value. Minister, will you go back to the drawing board and come up with a tax system that is fair to everybody?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I do find it a bit surprising. I know the honourable members didn't understand the tax system when they were in government, but apparently they haven't learned anything in five years of opposition either.

The fact of the matter is that Minister Eves's bill fulfills our promise to cap tax increases for small businesses. The bill understands that there has to be a logical progression for tax equity in this province and, indeed, there is no obligation under this bill for any municipality anywhere to increase anyone's taxes. If there is an increase in assessment value, because we have jobs and opportunities and economic development in our cities, then they can lower the rates and thereby not affect the residents or the businesses in any particular community. That's the way the tax system works in our province, and that's why we have guaranteed equity through this bill as well.

The Speaker (Hon Gary Carr): Supplementary.

Mr David Christopherson (Hamilton West): Minister, you don't seem to be understanding the point that we're raising here. The fact of the matter is that your downloading is putting upward pressure on the expenses that municipalities are incurring as a result of the bill that you've introduced into the House. If there are any increases as a result of that downloading, which in many communities like Toronto, Hamilton and Sudbury is highly likely, the total cost of that increase is to be borne, according to your law, by homeowners only. Only homeowners pay the increase.

Tell us, what is fair about a law that requires any tax increases resulting from your downloading to be paid for only by homeowners? Why should homeowners pay more than anyone else in the province of Ontario?

Hon Mr Clement: I encourage the honourable member to read the bill, because there is nothing in the bill of the sort to which he is referring. There is no downloading in that bill. It is a tax equity bill for our small businesses that create the jobs and the opportunities that keep the people of Ontario working. If the honourable member has the intestinal fortitude to stand up in the House and say he is against small businesses, I encourage him to say that. I know their actions in government were to that effect, but he should come clean to the people of Ontario.

This bill is very clear and we have been very clear: there is an equity issue for our small businesses that we

are addressing through this bill. There is nothing in this bill that requires any municipality to increase any taxes for the residential property taxpayer or indeed for the small business taxpayer as well. Our bill is based on equity.

If the honourable member wants to talk about downloading, under his government education property taxes increased 120% for the taxpayers of Ontario. Maybe the honourable member should look at his record and then come clean to the people of Ontario.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Ernie Parsons (Prince Edward-Hastings): My question is to the Minister of Citizenship, Culture and Recreation. It is now exactly one year since this Legislature unanimously approved that, "The ODA will be in place and effective one year from now." It has been five years since the Premier first promised that he would pass a meaningful act.

In this whole five years, there has been no public consultation whatsoever. The Premier will travel anywhere in the province to meet with a contributor, but will not walk down the hallway to talk to people with disabilities.

The member for Elgin-Middlesex-London has presented you with a set in English, French and Braille of the results of his consultation tour around the province. We have another set here for the Premier when he is next in the House.

Minister, in this entire process you have held no public consultations whatsoever. You have met only with selected individuals. If Helen Keller were alive and well in this province, she could not get the opportunity to speak with you. I would ask for a pledge that you will hold a full, open, public process to allow all Ontarians to consult with you and make suggestions regarding a meaningful Ontarians with Disabilities Act.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): It's certainly a pleasure to stand up and talk about disability issues in the Ontario because of course they're very important to all of us.

Let me say that I can't believe what I hear from the opposition. The opposition knows full well that Isabel Bassett, the previous minister, had consultations in 1998. We heard from 300 organizations from all the cities. She went to eight cities across the province. I continue to meet with people, like this week. I was out this morning and met with a group who were talking about employment opportunities for people with disabilities down at the convention centre.

We continue to talk to individuals. At that meeting, I asked any of them to comment on any issues they had with any of the services the government offers. I asked them to talk to us, gave them phone numbers, e-mail numbers—

The Speaker (Hon Gary Carr): The minister's time is up.

Mr Parsons: Minister, I could have written that answer for you. You speak in code when you talk about your consultation. It is not open to the public. It is with selected groups. The bottom line for your government is that everything is a money issue. This is not a money issue. I am sure that back in 1920 someone said, "If we give women the vote, it will cost money." This is not a money issue. Ontarians with disabilities are not asking for money. They're asking for the right to work. They're asking for the right to shop. They're asking for the right to be full citizens of this province.

Your code really means we want everything voluntary. We know how voluntary water tests worked. I am asking for a commitment that you will present to the Legislature, in time to be implemented one year from today, an act that will be meaningful, that will provide for mandatory components and that will be enforced.

Hon Mrs Johns: Let's talk about what everybody else was prepared to do. Let me say that Mr Peters offered to me that he would give me the results of his consultations maybe five or six months ago. I understand more than anyone in this Legislature how long it takes to consult with people across the province and to make sure we have it right. I sympathize with how long it took him. Let me tell you I'm doing exactly the same thing. I'm out weekly talking to disability groups to ensure that I understand all the issues and that I understand what's going on.

Let me say that I actually agree with some of the issues that are in the report that was presented to me. He says we have some programming issues. I agree with that. I'm working with my colleagues here in the House to make sure that we look at all the programs the government provides, that we look at how we can better make those available to people with disabilities. On top of that, we have made a commitment that we will have a legislative and a non-legislative solution by November 2001.

EDUCATION LABOUR DISPUTES

Mr Bart Maves (Niagara Falls): My question is to the Minister of Education. We are seeing some headlines in the media about some labour unrest in education, especially lately in the Hamilton area. In many boards across the province it's business as usual, in others teachers are choosing to work to rule and in others they are threatening strikes.

We just witnessed a very unfortunate situation in Hamilton where students were kept out of school for over three weeks. Can you explain to the House your position on the collective bargaining process in education?

Hon Janet Ecker (Minister of Education): Teachers are part of a collective agreement process, and in many circumstances that collective agreement process can solve local issues and can resolve the employer-employee bargaining relationship and has indeed done this. In many boards and in many bargaining units across the province they have reached agreements. In the member's own

riding it was reported that the public high school teachers are indeed voting on a new contract offer. We have 48 bargaining units that have actually renewed agreements. So the process indeed can work.

But there comes a time in some school communities, as there did in Hamilton, where the interests of students must come first. In that circumstance this government made a difficult but, I believe, very necessary decision to legislate the teachers back to work and to end the board lockout by legislation so the kids could be back in school.

1430

Mr Maves: Minister, you mentioned in your answer that you think the collective bargaining process is something that should continue, that you believe local collective bargaining arrives at the best solutions. I agree with that and support that process.

Why, then, did you feel the need to introduce back-to-work legislation? And what happened to the all-party support for saving the school year for those Hamilton elementary students?

Hon Mrs Ecker: As I said, the collective bargaining process can resolve many issues, but in some circumstances the interests of students must take precedence. In the Hamilton community they certainly did. We heard from thousands of parents. The MPP for Stoney Creek had talked to many parents. I, myself, had talked to parents. The Education Relations Committee had clearly ruled that the year was in jeopardy.

I have to wonder how the member for Hamilton East and how the Leader of the Opposition, Mr McGuinty, can face those parents when, after they called and asked for assistance after that party had said they would support that legislation, they then ignored the calls of the parents and the Education Relations Committee, and when McGuinty had to make a choice between his friends, the teachers' union, or the students, his choice was clear: he chose the teachers' union, not the students. I know the parents in that community find that very difficult to understand.

We believe that the students' interests must come first. That's why we took that difficult but necessary decision.

LABOUR DISPUTE

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Health. There are 200 CCAC case managers in Hamilton who are in their seventh week of strike.

Interjections.

The Speaker (Hon Gary Carr): Stop the clock. Order.

While we have the clock stopped too, just very quickly, in the members' east gallery we have Mr Jim Gordon, member for Sudbury in the 32nd and 33rd Parliaments. Will all members please welcome our former colleague.

I thank the members for coming to order.

Mr Agostino: Thank you, Speaker.

Minister, as you know, there are currently 200 CCAC case managers in their seventh week of a strike in Hamil-

ton. These case managers are mostly women whose job it is to plan and coordinate discharges from hospital, home care for people who are dying, people recovering from surgery, people who are in need.

Our system of health care in Hamilton right now is in chaos. Last month, as a result of the strike, 41% of the time Hamilton hospitals were on critical care bypass. Almost half of the time those hospitals were on critical care bypass. On average, discharges from hospital are two and a half days longer than they were the previous month. There's a clear correlation here between the CCAC strike, your lack of funding and our crisis.

Minister, will you step in today with the necessary funding to end the strike in Hamilton?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member well knows, we have the most generous home care program in all of Canada. As the member also knows, with our recent \$92.5-million investment into community care services, we did provide an additional \$3.3 million to a Hamilton-Wentworth CCAC this year, which means that since 1995 we have increased CCAC spending in Hamilton-Wentworth by 48%. This year we are providing them with \$53 million.

Mr Agostino: A week ago in Stoney Creek, a 72-year-old woman was in desperate need of emergency treatment. She was suffering from congestive heart failure. It was 40 minutes before we could find a hospital that would take in this woman who had heart problems.

Minister, it's not just me saying there's a problem here. Let me read you something: "I've been advised by the hospitals that they're managing fine, but the statistics indicate something else is happening. The statistics don't lie. It's obvious it's impacting ambulances and hospitals." You know who said that? Your parliamentary assistant, the member for Stoney Creek. He agrees with us that there's a problem.

Now you're telling us everything is fine. Let me tell you, in order for the CCAC to meet your funding, they would have to cut out 1,000 home visits a day. That is the goal that you'd force them to meet. The reality is that we're in a crisis. Your parliamentary assistant from Stoney Creek agrees there's a crisis there with ambulances and people not getting out of hospitals. We have a critical situation that you can solve by adding the funding that is necessary. Minister, who's telling the truth? You or the member from Stoney Creek?

Hon Mrs Witmer: I don't see any difference of opinion. I think he thought my first answer was going to be different than it was and so had the second one ready.

I would just remind the member opposite, we do have the most generous home care program in all of Canada. Unfortunately, the Liberals in their last red book indicated we were going to have a wonderful home care program throughout Canada, which we've not seen any evidence of at all. I know other provinces are envious of the one we provide here. I would just remind the member that the dispute that's ongoing between the CCAC and their staff is a labour dispute and we don't become involved in labour disputes.

DRUG USE IN CORRECTIONAL FACILITIES

Mrs Julia Muaro (York North): My question today is for the Minister of Correctional Services. My concern today is about inmates in correctional facilities who have a dependency on drugs and alcohol. To promote safety and security in our institutions, as well as our communities, it is important to ensure mandatory drug testing for inmates. This morning, we debated a resolution to introduce drug testing for inmates. I am pleased that this resolution received the assent of the Legislature. Minister, can you remind the members of this House and all Ontarians why drug testing for inmates is so important?

Hon Rob Sampson (Minister of Correctional Services): I want to thank the member for North York for the courage and the effort to put through the resolution she had debated in this House this morning. I'm pleased to see that there was at least enough support on this side of the House to move it forward, and I'm a bit discouraged by the fact that there wasn't the support across the floor to have inmates tested for drugs. I don't quite understand it. I listened very intently to the debate. I thought they were going to support it.

Of all the language I've heard from Liberals in the past about getting tough on crime, it seems as though they're in a competition actually, to see how soft on crime they can get, with their colleagues in Ottawa who, according to the Ottawa Citizen—and I can't believe this—are considering not testing inmates but a needle-exchange program in their jails to deal with the problem of drugs. I say you need to deal with the problem of drugs by identifying that, and that's exactly—

The Speaker (Hon Gary Carr): Order. The minister's time is up.

Mrs Munro: I was heartened to see that some responsible members of the Liberal caucus clearly agree with us that drug use in our institutions is a serious problem. I don't know why any serious person would not want to support this government in its quest to keep drugs out of this province's correctional institutions, yet I notice that the corrections critic, the deputy leader and other Liberals voted against the resolution to test offenders for drug use. Minister, what do you make of the disarray on the Liberal benches?

Hon Mr Sampson: I am often quite confused as to the position the members opposite take on any particular policy item. You think you've got them figured out on one policy item and the next day it changes.

But I should say to the members opposite, who were heckling while you were questioning me and who asked, "What do you do when you find these inmates still have drug problems in jail?" I say you offer appropriate treatment programs, which by the way is what we are doing, despite not one but two Provincial Auditor reports during their five-year reign of terror in this province.

We are focusing on effective drug treatment programs in Ontario. We need to make sure the programs that are offered in provincial institutions in this province are

effective. You can only determine whether they're effective if you continue a testing program to see whether or not it's having a positive impact on inmates' lives as a result of taking the programs. Twice the auditor asked you to do that. You didn't do it; we are.

WALKERTON TRAGEDY

Ms Marilyn Churley (Toronto-Danforth): My question is to the Acting Premier. The cost of fixing Walkerton's water system to date is about \$11 million, yet we still don't know who's going to pay the bill in the end. For a small community like Walkerton—and I've been there on several occasions—being stuck with this bill would be a devastating blow. It would leave the municipality with a crippling debt and shatter the community's hope for economic recovery.

Minister, don't you think the people of Walkerton have suffered enough? Your government has the power to give the people of Walkerton some hope that their community is able to recover. All you have to do is commit to paying the repair costs of their water system. Will you promise to do that today?

1440

Hon Chris Hodgson (Chair of the Management Board of Cabinet): This question is better addressed to the Minister of Municipal Affairs, who has responsibility for this.

Hon Tony Clement (Minister of Municipal Affairs and Housing): I'm sure the honourable member for Toronto-Danforth will agree with me that the first and absolute top priority has got to be to fix the system, to fix the water supply, to have a clean, safe and healthy water supply for the residents of Walkerton. That has been our top priority, our top commitment.

The honourable member is quite correct that there are some bills coming in; there are some interim bills coming in as well. I personally have not seen the bill to which she refers. I can tell the honourable member in this House that it is not the intention of the government that the municipality of Walkerton be stuck with any bills. It is our intention to work with the municipality on those issues once we have dealt with the primary issue that is before us right now, which is a clean, safe and healthy water supply for the residents of that town.

Ms Churley: Minister, those are weasel words. We want an answer today.

Interjections.

The Speaker (Hon Gary Carr): We're not going to start getting into using those words.

Ms Churley: I withdraw. Minister, the people of Walkerton need an answer now. They do not need this uncertainty on top of everything else. Your government is always talking about giving people a hand up, not a handout. Your government has spent \$185 million in the last three years in handouts for advertisers to promote yourselves, but you won't commit to spending \$11 million to remove a threat of a crippling debt for the people of Walkerton.

The people of Walkerton have paid dearly already. They are asking for a hand up. I ask you again, will you give them a hand up? Will you now, today, relieve the financial anxiety faced by the people of Walkerton and commit to paying the repair bill for its water system? Will you do that, Minister, today?

Hon Mr Clement: Let me again be clear to the honourable member and to this House that we are working with Brockton, we are working with Walkerton. Actions do speak louder than words: \$6 million has been spent by this government to clean up the town's water supply to date, including replacing more than four kilometres of water mains; \$1.6 million has been given as a provincial, interest-free contribution to Brockton to cover scientific, engineering, legal and communications costs; \$1 million so far has been spent on 1,551 expense claims; a further \$12.2 million has been spent on our water quality monitoring program to ensure that nothing like this ever happens again.

We have more than talked the talk; we have walked the walk. We're going to work with our partners in Brockton and Walkerton once we get the water as safe and as healthy as possible for those residents. That is our top priority, and we are going to work with the residents of that town in the future on the financial issues as well.

SPECIAL REPORT, PROVINCIAL AUDITOR

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My question is for the Minister of Community and Social Services. I was shocked and saddened to read in the auditor's report, with regard to the child welfare services program, that your ministry does not have sufficient assurance that children in need are adequately protected.

The report indicates that societies could not always demonstrate that they conducted their assessments of children in need, not all plans were prepared or implemented on a timely basis and program outcome measures had not been developed and implemented.

Minister, you stood in this House and boasted that your ministry has significantly increased the money it directs to children's aid societies, but the bottom line is, children are still falling through some very huge cracks. Your response to this situation in the auditor's report indicates that you have developed a strategy to improve accountability, effective 2001-02. Why do the most vulnerable of our province, abused children, have to wait two more years before you act to ensure their protection? Minister, will you act today to implement this accountability strategy?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): This government takes its responsibilities in helping vulnerable children in need of protection very seriously. That's why we've undertaken, under the leadership of the former minister and ongoing throughout the Ministry of Community and Social Services, a terrific reform agenda to expand the services and to expand the

supports available to children who are in need of protection.

We brought forward substantial new amendments to the Child and Family Services Act. We've seen well in excess of an 80% increase in funding. We have hired 760 new staff. We've increased rates for foster parents. We've provided improved training, the common risk assessment system, a new information database and 3,000 new desktop computers. We have undertaken a huge reform agenda in this sector.

Working with the sector, we've been very cognizant that we can't do all of these things at the same time, and it's a process which has taken a number of years. But the good news for vulnerable children in this province is that we are moving forward. Each and every day more and more services are provided to these children who so vitally need protection in the province of Ontario.

Mrs Dombrowsky: Minister, I am reminded of your government's commitment to introduce an Ontarians with Disabilities Act. I am reminded that on your watch child poverty has increased, the number of families living in poverty has increased, and the number of homeless and homeless families has increased. You have reneged on your commitment to the Toronto Native Family and Children's Services to make them a children's aid society.

Given your government's record in addressing the needs of the most needy in this province, your statement of intention to implement a strategy is cold comfort to our most vulnerable, the abused children of our province. These children need not only your attention, not simply your intention, but most assuredly your immediate action to ensure their safety.

You have been the government for over five years, truly long enough to act effectively to protect our children. How can we believe that you will keep your word?

Hon Mr Baird: If the member opposite wants to talk about how can she be assured that we'll keep our word, she can listen to the words of the executive director of the Ontario Association for Children's Aid Societies, who just this fall said, "We should be celebrating the fact that this imbalance has been addressed through changes to the legislation, better training for child protection workers, increased funding to children's aid societies, clearer reporting requirements for professionals who suspect child abuse and neglect and standardized tools to assist child protection workers in making more thorough assessments of risks to children." You could listen to Jeanette Lewis, executive director, when she said, "Rest assured ... that public concern about the capacity of the community to protect vulnerable children has been heard and is being addressed."

FEDERAL ECONOMIC POLICY

Mr Garry J. Guzzo (Ottawa West-Nepean): I have a question for the Minister of Tourism. Your counterpart in the federal government, Alfonso Gagliano—

Interjection: Who's that?

Mr Guzzo: He's the member for Saint-Léonard—Saint-Michel, an area of Quebec that I know rather well.

Mr Gagliano has spent in the past two years 71% of his budget for public works sponsorship initiative programs in the province of Quebec, for festivals and events there. By comparison, Ontario has received approximately 11%. I might just tell you—

Interjections.

The Speaker (Hon Gary Carr): I apologize to the member. Some of them were his own members who were talking to our friends in the gallery. Sorry for the interruption.

Mr Guzzo: I seem to bring out the best in them. I'm sorry.

By comparison, I would tell you this: my own member, the Honourable John Manley, the Minister of Industry at one point in time, had spent 77% of his slush fund in the province of Quebec. On the very day that Brian Tobin replaced Mr Manley in that portfolio, he immediately announced two programs for his riding.

Minister, my question is simple. I want to know if we're keeping our festivals and our events secret, or do we have a shortage of events and festivals in comparison to the province of Quebec?

1450

Hon Cameron Jackson (Minister of Tourism): I'd like to thank my colleague for the important question. As all members of this House know, tourism is one of the fastest-growing industries in the world. Ontario is doing a great job at expanding its lists of festivals and events, but we are concerned about this growing pattern of discrimination which shows increased generous support for Quebec and limiting dollars to Ontario. It's clear that Ministers Gagliano, Tobin and even Sheila Copps are unaware that Ontario taxpayers pay \$72 billion toward the federal coffers in tax and non-tax revenues—43% of the total.

Now we find out, the member for Kingston and the Islands, that if Ontario and Kingston taxpayers don't cough up \$35 million to fix Old Fort Henry, which they own, they're going to shut down the fort. All the citizens of Kingston are asking is that they get their fair—

The Speaker: Order. The minister's time is up.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: I would move unanimous consent that our guests from Quebec be allowed to ask the supplementary question.

The Speaker: Stop the clock for a minute.

We're not going to allow that, obviously. That's against the rules. I must admit, though, our friends from Quebec would, I'm sure, like to participate. Unfortunately, they can't.

Sorry for the interruption. The member for Ottawa West.

Mr Guzzo: I have a supplemental for the Minister of Tourism, but first of all just let me tell you that no one in Kingston ever referred to that member as the "tiny perfect mayor."

Mr Gerretsen: I was neither tiny nor perfect.

Mr Guzzo: He was smaller in those days, but he was a long way from perfect.

Minister, we have in central Canada each summer two Formula One races. In Toronto we have the Molson Indy, and this year the Molson Indy received from the federal government \$100,000 in support. Montreal has a Formula One race—

Interjections: How much did they get?

Mr Guzzo: I believe 11 times that: \$1.1 million or \$1.2 million.

Mr Frank Mazzilli (London-Fanshawe): Where are our 101 Dalmatians? What are our 101 Dalmatians doing?

Mr Guzzo: I might just say that it was this province that returned 101 Liberals to the federal House—last time.

Minister, can you assure the people of Ontario, particularly the people of Ottawa West and Ottawa South, of your support and our government's support for festivals and events in this province which boost tourism, increase jobs and revenue for the local communities, even though the federal government refuses to do it for us?

Hon Mr Jackson: Very clearly, tourism is important to our economy, and that's why in the last budget our government announced 170 million marketing dollars. Those new dollars have been invested, and I'll just give you one example of how we've been able to hold up our bargain for this important industry in Ontario: Caribana, an important festival. The city of Toronto and the province of Ontario each put \$350,000 into this festival. Do you know what the federal government put in the first year the federal Liberal government was elected? Some \$23,000. Then, after they got re-elected in 1997, do you know how much money they put in? Nothing.

It's hard not to use the words "discriminatory funding" when you think about the level of support. It would appear the federal Liberals are putting more money into other provinces and Ontario is not getting its fair share.

The Speaker: The minister's time is up.

AMBULANCE SERVICES

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Health. The Provincial Auditor raised a number of very serious questions this week about our land ambulance system. He particularly emphasized his concern that you're about to download responsibility on to municipalities for an ambulance system that is already underfunded. His report says that over and over again you've been told your downloading is going to lead to inequities. Some municipalities will not be able to afford the same level of care that others can provide.

Minister, you heard exactly the same thing from the Land Ambulance Transition Task Force you set up in 1997. I want to quote just a bit, "Communities like Sudbury and Hamilton with an older population and a lower tax base may face more financial challenges than

younger...and wealthier communities such as Peel." It goes on to say, "Other communities like Renfrew county and the north have additional geographic problems. These areas are very large, so it may be especially difficult to service them without significantly new investment in infrastructure and resulting increases in costs which will certainly exceed any 'revenue neutrality' concept."

You've had three full years to respond to these concerns. Why do we have an auditor's report now, one month before the downloading takes place, that says you've not done anything at all about these problems you've known about for the last three years?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): The member opposite knows full well that is not accurate. She obviously has forgotten that we are working with the municipalities. In fact, what's happening is we have developed a new partnership with the municipalities. We have a committee that is presently taking a look at how we can best ensure that we have the appropriate standards in the province of Ontario.

I would just remind the member, it was her own colleague Ted McMeekin who said, "We'll want to get the best bang from our buck and the best way to do that is to run it"—the ambulance service—"ourselves." Even the newest member of the Liberal caucus agrees with us. He supported the transfer of ambulance services to the municipalities. He says, "We believe that by moving to a fully integrated ambulance service, we could reduce duplication in costs and dramatically decrease response time. I'm very excited about the potential."

I want the member to know, we are too.

Mrs McLeod: What I know full well is that you are underfunding the ambulance system, that you are failing to meet the standards you have set and that your performance is worse every year. For months now we've been raising concerns about what's been happening. We've been raising concerns about increased response times in Kingston, Ottawa, Brampton, Haldimand-Norfolk and Niagara region. The Fleuelling inquest spoke loudly and clearly to the problems with the Toronto area ambulance service. Those are the problems with land ambulances, the ones you're downloading on to the municipalities.

But, Minister, there is another startling revelation in the auditor's report. The auditor tells us that the air ambulance system is also in trouble. He says there are no response time standards for air ambulance dispatch. Even more shocking is the fact that dedicated air ambulances are in compliance with a contract that says they should be in the air within 10 minutes of receiving a call only 44% of the time.

Minister, how is it possible that 56% of the time air ambulances aren't even in the air within a reasonable time?

Hon Mrs Witmer: To the member opposite, how is it possible that the federal government, knowing they have taken millions out of the health system in Canada, refuses to restore the transfer payments until next April 2001? Why didn't they restore all the health payments to the

people throughout Canada immediately upon the signing?

That's what we are doing when it comes to the ambulance system. We have increased funding for the ambulance system since 1994-95 by 45%. We were funding land ambulances to the tune of \$200 million in 1994-95; in 1999-2000 we are spending \$290 million.

I'd also let the member know that our government leads the world in paramedic research. We have provided the OPALS with \$15.5 million. We have trained over 379 advanced paramedics. As I say, we lead the world in paramedic research.

The Speaker (Hon Gary Carr): Order. The minister's time is up.

1500

TRAINING AGREEMENT

Mr John Hastings (Etobicoke North): My question is for the Minister of Training, Colleges and Universities. It relates again to the issue of total discrimination, both provincially and gender-wise, by the federal Grits. We've heard our friends laugh—

Interjections.

Mr Hastings: I don't think we're going to be able to get the question in today. We are? OK.

In essence, we have across the way these laughing hyenas, flip-floppers and everything else. They laugh—

Interjections.

The Speaker (Hon Gary Carr): The member take his seat. The member will be able to place the question, but I would appreciate it if he would ask the question. We will have time for the question if he doesn't engage in conversation with the other side. There was time left. He can ask the question.

Mr Hastings: My question is, when will we see an end to this blatant discrimination by the federal government regarding training agreements that every other province and district and region and territory in Canada has except Ontario?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): I would like to thank the member for his question. We hear from the opposite side today, "As soon as we sign the agreement." The agreement is exactly the same as the agreement that was asked for with regard to the NDP government and the Liberal government. Our position has been a fair share.

Interjection.

The Speaker: Minister take her seat. The member for Kingston and the Islands, come to order. The time is almost up. We don't like to have things happen in the last minute of the game, as it were.

Hon Mrs Cunningham: I hear the Liberals on that side of the House say, "When we sign," with no help, I might say, ever, from one individual on that side of the House to persuade the federal government. Where were the federal Liberals in Ontario? We are the only province that has not signed because we are asking for our fair share. I will also say of the Job Connect programs we

deliver, 85% are successful. Less than 50% of the federal programs are successful. It's time we worked together. We have asked the federal government for their—

The Speaker: Order. I'm afraid the minister's time is up.

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): I have another 3,000-name petition to the Ontario Legislature dealing with northerners, demanding that the Harris government end the health care apartheid and discrimination it is practising now.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation"—that's discrimination and health care apartheid.

"Whereas a cancer tumour knows no health travel policy or geographic location"—that's a fact.

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding"—that's a fact.

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment"—which northerners consider discrimination and health care apartheid,

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid and discrimination which exists presently in the province of Ontario"—being practised by the Minister of Health, Elizabeth Witmer, and the Premier, Mike Harris.

I affix my signature to this petition and give it to Rosemary Wilson from Chatham to bring to the desk.

PROTECTION OF MINORS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition signed on behalf of many of my constituents of Scarborough Centre that reads as follows.

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit materials;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I'm pleased to affix my signature to this petition.

HEALTH CARE FUNDING

Mr Dominic Agostino (Hamilton East): I have a petition to the minister who didn't answer the question today. I hope she will listen to the petition.

"Whereas there are a higher number of elderly people and people with disabilities living in the Hamilton-Wentworth region because of the excellence of the health care system; and

"Whereas the case managers and placement coordinators in the Hamilton-Wentworth Community Care Access Centre have higher caseloads than other community care access centres in the central-southwest region; and

"Whereas the staff at the Hamilton-Wentworth Community Care Access Centre are paid less than their counterparts in the central-southwest region; and

"Whereas the health care system in Hamilton-Wentworth is a self-contained seamless system; and

"Whereas increasing funding will be needed to provide health care services to citizens in the future in this self-contained system; and

"Whereas all workers working in the health care system, and the citizens of Hamilton-Wentworth, expect adequate funding for the health care system in Hamilton-Wentworth, both now and in the future and recognize the equal importance of all the parts of the health care system working together;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows: to provide adequate funding immediately to the Hamilton-Wentworth Community Care Access Centre so that pay and conditions for staff will be equal to those in other community care access centres in the central-southwest region; and that adequate funding will continue to be provided in the future according to the needs of the community."

I'm proud to sign my name to this petition.

HIGHWAY SAFETY

Mr John O'Toole (Durham): It's my pleasure to present a petition on behalf of the Catholic Women's League of Canada, more specifically Mrs Joan Lonergan, resolutions convenor for St Joseph the Worker Catholic Women's League. I believe it's in Oshawa. It's to myself and to the Legislative Assembly of Ontario.

"Whereas motor vehicle accidents are the leading cause of death in North America; and

"Whereas studies conducted in the city of Toronto, the United States and Great Britain have reported that drivers using cellular phones while operating a vehicle significantly increases the risk of collisions; and

"Whereas people talking on cellular phones while driving may cause a 34% higher risk of having an accident;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario to ban the use of hand-held cell phones, portable computers and fax machines while operating a motor vehicle. We further respectfully request that Bill 102"—by member John O'Toole—"An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway be passed unanimously by all members of provincial Parliament of Ontario."

I'm pleased to endorse it myself and I expect everyone else to endorse it as well.

ORDERS OF THE DAY

CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000

LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS

Resuming the debate adjourned on November 22, 2000, on the motion for second reading of Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

Mr Garfield Dunlop (Simcoe North): I'm pleased to be able to rise this afternoon to speak on the Continued Protection for Property Taxpayers Act, 2000, or Bill 140, as we know it. I commend the Minister of Finance for once again drafting legislation that will strive to achieve tax fairness and continue to provide protection for Ontario's businesses. I'd also like to thank my colleague David Young, the member for Willowdale, who's also the parliamentary assistant to the Minister of Finance, for his comments over the time of this debate as well as the time he spent explaining some of the parts of the legislation to me over the last two or three days. I also want to thank Scott Andison from the Ministry of Finance and his staff, who have helped me as well.

This bill reflects the intent of our government to restore fairness to the property tax system here in the province of Ontario, not just in one day or one week or one year, but over a period of time that is manageable and through a system that respects the needs and

concerns of all the stakeholders in the business of Ontario.

I often reflect on my time in municipal politics. I've spent a lot of time on different municipal councils in Simcoe county—almost 19 years. I don't know how many times in that time I've attended conferences and seminars that were usually put on by the Ministry of Municipal Affairs and Housing and I listened to municipal and provincial leaders say over and over that the existing tax system here in the province of Ontario was both outdated and very unfair. Yet, year after year, nothing was done about that. There was a lot of talk and no action.

1510

The same type of talk occurred on the unfairness that existed in services like policing across the province, but there was a certain will put up by municipal leaders to use words such as "disentanglement." That was one that I remember the NDP caucus used a lot—Premier Rae and Finance Minister Laughren and the Minister of Municipal Affairs and Housing, Ed Philip. They used it every time they addressed municipal leaders, but really they did nothing on that. They continually talked about tax reform, and nothing was ever done.

The same thing occurred in the years of Premier Peterson. He continued to use at the seminars and conferences the word "duplication," and so did his Minister of Finance, Mr Nixon. But they were so busy raising taxes, adding civil servants and increasing the welfare rolls in one of the greatest economic booms that the province had ever seen that they too did nothing about duplication. One only needs to look at the difference in operations in Ontario Hydro between 1985 and 1995 to see the non-leadership that was provided in the lost decade.

It is this government, the government under Mike Harris, that had the courage to reform the property tax system, a system that was grossly out of date and extremely unfair. Of course, restoring fairness to such an outdated tax system is a monumental and very complex task, starting with over 700 municipalities and assorted groups of assessments, some that hadn't been dealt with in over 50 years. First of all, it requires a great deal of knowledge and the willingness to learn from provincial and municipal leaders, as well as financial administrators from all the different municipalities. Secondly, it requires time and patience because, inevitably, unforeseen problems will arise each time.

My understanding is that when the state of Florida implemented property tax reform—and we all know that's a much smaller piece of geography—that process took over 10 years to achieve fairness. In the province of Ontario, we've had some assessment bases that had not seen any change in over 50 years. That was certainly the case in the county of Simcoe. Before January 1, 1994, Simcoe county contained a total of 33 municipalities, as well as the separated cities of Barrie and Orillia. Under the County of Simcoe Act, the county of Simcoe restructured itself on January 1, 1994, and now has 16 municipalities, plus Barrie and Orillia.

As part of the restructuring process, an analysis was done on the financial impact of amalgamating municipalities. It became very clear that there were severe inequities in the existing assessments. A county-wide market value assessment was proposed as one option. However, I have to tell you that ratepayer associations from across the county lobbied against market value assessment. In the end, we as a county backed away from market value assessment and ended up with a mishmash of assessments across the whole county.

Clearly we looked for assessment reform from the province. That leadership and the assessment reform came in June 1995 when the people of Ontario elected Mike Harris in his first majority government. Municipalities began working with the government through AMO in a process called Who Does What. A series of subcommittees were formed to look at overlapping responsibilities between the province and the municipalities. Included in the Who Does What discussions was assessment reform.

I think a lot of municipal leaders, myself included, felt that the Who Does What committees were simply more of the same rhetoric we had seen with Bob Rae and disentanglement or David Peterson and his elimination of duplication. When I heard the members opposite or municipal representatives talk about downloading today, I really wonder how many of them sent a letter, a fax or attended a committee meeting of the Who Does What committees. The fact is, the Who Does What committees provided municipalities across the province with an opportunity for ample input. But today a lot of people want to forget that option existed for people. However, by January 1998 it became very clear that many of the Who Does What recommendations would be implemented, including assessment reform.

You might remember that January 1, 1998, was also the day that the new city of Toronto under the leadership of Mayor Mel Lastman came into existence. Another courageous move by the Mike Harris government that other governments had bandied about for the past 25 or 30 years.

As municipalities face assessment reform, there's no question that they did face some very complex and difficult decisions. We in Simcoe county were very fortunate to have in place a very dedicated and competent treasury department led by Treasurer Henry Sander. Henry was not only able to work closely with the treasury departments of the lower-tier municipalities, but he worked extremely closely with the Ministry of Finance staff as well. Henry took the time to learn the legislation. He made my job as the warden in 1998 much easier because of the fact that he was such a competent treasurer.

As I mentioned earlier, we expected assessment reform to be complex and controversial, and so it was. The largest inequity problems were the commercial, industrial and multi-residential property tax classes. Without any capping or looking at any of the tools provided to implement current value assessment, it was clear that some of

the properties would see 200% or 300% or 400% increases, whereas properties similar in value in another municipality, and it could be within half a mile of each other, could see their taxes decrease by 50% or 75% or 80%.

Those facing huge increases were vocal, and for good reason. Some businesses simply could not afford the increases and would be forced to close. On the other hand, other businesses that saw proposed decreases wanted decreases immediately, saying they had already been paying too much in taxes for far too long, and that was the case: some of them were paying for 15 or 20 years at a very high rate.

Although it appeared difficult to implement, I was pleased when the government brought forth Bill 79, which capped increases at 10%, 5% and 5% for 1998, 1999 and 2000. Bill 79 I believe makes life somewhat complex for our ministry staff, and certainly for the treasury staff departments of municipalities, but it did make it much easier for municipal politicians. They had somebody to point the finger at, and of course they pointed the finger at the provincial government.

By capping at 10, five and five, it would allow businesses the opportunity to add those increases into their operations slowly, and those businesses that were being overtaxed would slowly see the decreases, because their taxes were already built into their operating budgets.

At that time, the Mike Harris government was creating an economic climate here in Ontario that was creating growth, prosperity and confidence in all sectors of the economy. Companies were beginning to hire, jobs were being created, construction was growing and Ontario was back on track.

Bill 79 was a three-year plan, and we must now move forward with the Continued Protection for Property Taxpayers Act, 2000. The bill itself amends parts of different acts with respect to property taxes, including the Assessment Act, where there will be changes made; the Municipal Act; the Education Act; the Electricity Act; the Municipal Tax Assistance Act; and the Provincial Land Tax Act. I won't go into the details of how each act will be amended except to say once again that bringing fairness to property tax is a complex process that affects many pieces of legislation.

In the 1999 Ontario budget, our government made a commitment to maintain limits on property tax increases beyond 2000 to ensure the continuation of a manageable transition from the former outdated assessment system to the new current value system. That is why last Thursday Minister Eves introduced the Continued Protection for Property Taxpayers Act, 2000. If passed, the bill will provide municipalities with the mitigation tools to meet the limits on tax increases.

I was pleased to see Minister Eves's plan to accelerate business education tax cuts that will result in a further \$130-million savings for Ontario businesses in the year 2001. The \$130 million is double the reduction that Ontario businesses saw last year.

As of 2001, the total benefit from business education tax cuts amounts to \$325 million annually. This proposed

legislation basically limits property tax increases to 5% annually, replacing the 10, five and five for 1998, 1999 and 2000.

1520

Mr Rosario Marchese (Trinity-Spadina): On a point of order, Speaker: Could you please check for a quorum?

The Acting Speaker (Mr Tony Martin): Is a quorum present?

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: The member for Simcoe North.

Mr Dunlop: As I said earlier, as of 2001 the total benefit from business education tax cuts amounts to \$325 million annually. This proposed legislation basically limits property tax increases to 5% annually, replacing the 10, five and five for 1998, 1999 and 2000. We should be clear that the city of Toronto will have the option of maintaining the 2.5% limit it chose in 1998 or moving to the 5% provincial limit. The city will have until February 28 of each year to decide whether to apply a 2.5% limit, otherwise the 5% limit will apply. The new 5% limit will start in 2001 and will remain in effect until current value assessment is fully achieved in each municipality.

The legislation allows for permitted municipal levy increases to be applied in addition to the 5% limit. One example I've asked about—and want I to clarify this with the Ministry of Finance—is that we can levy for hospital expansion programs. I have a couple of hospitals in Simcoe county planning on some expansions over the next couple of years, and they will want to put in a separate levy for some of the local share of the hospital funding. As well, the limit each year would be calculated on the previous year's taxes.

The bill provides for the 5% limit to be applied to all property in the commercial, industrial and multi-residential classes. Those excluded would be properties in territories without municipal organization, farmland awaiting development, property that is subject to payments in lieu of taxes, international bridges and tunnels convention centres that are eligible for an education tax exemption and certain generation and transformer facilities. It should be noted that commercial tenants in provincially-owned properties would be protected by the 5% limit, and the limit would not apply to property in residential farmland, managed forest and pipeline property classes.

I want to take a few moments to speak on water power generating stations. In my riding, I am fortunate to have what is known as the Orillia Water, Light and Power Commission. They operate three water power generating stations, the largest being the Swift Rapids plant on the Severn River. Under this legislation, a new provision would be added to section 3 of the Assessment Act and to section 3 of the Provincial Land Tax Act to exempt water power generating stations and related lands from property taxation. As well, an exemption from taxation would be added to section 3 of the Assessment Act for poles, lines

and towers owned by power utilities. That would replace an exemption that was formerly in the Power Corporation Act.

The Electricity Act would be amended to require owners of stations, who are successors of Ontario Hydro or municipal electrical utilities, to pay to the Ontario Electricity Financial Corp a charge calculated as a specified percentage of the gross revenue from the production of electricity at the station. Private water power producers would pay an equivalent tax to the province. For new stations that are completely rebuilt or expanded, the gross revenue resulting from the production of additional capacity associated with the plant expansion would qualify for a 10-year holiday from property taxes.

I believe the unique circumstances surrounding any tax relief or fairness surrounding water power generating stations is a very important issue. There is no better environmentally friendly power source than the rivers of our province. Anything we can do to encourage expansion or construction of more of these facilities is a very positive step.

I expect hydro users in the city of Orillia will benefit from this important move. I thank the CEO of Orillia Water, Light and Power, John Mattinson, for his leadership among power corporations here in the province. John has worked hard with Ministry of Finance staff to see this tax reform for water power generating stations.

Of course, on our path to true current value assessment, we need to be able to provide the proper mitigation tools to our partners, the municipalities, so that they have the ability to meet the 5% limit using assorted options. I would like to review the mitigation options that will be available to municipalities.

First of all, there's the capping mechanism that would be made available to municipalities under the new part XXII.3 of the Municipal Act. The features of this tool would include the following: it would be a permissive tool, authorizing but not requiring the limitation of tax decreases as a means of funding the limit; it would not require the use of a frozen assessment listing; and it could be used in conjunction with other tools.

A second mitigation tool would be the optional property classes. Optional property classes, as prescribed under section 7 of the Assessment Act, would continue to be made available to municipalities, and the deadline for adopting optional classes for the 2001 tax year would be extended from October 31, 2000, to April 30, 2001.

A third mitigation tool would be graduated tax rates. The graduated tax rate mechanism under section 368.2 of the Municipal Act would remain unchanged. Municipalities could apply different tax rates to various portions of the assessment of commercial and industrial properties.

A fourth tool would be municipal tax reduction. The municipal tax rebate tool under section 442.2 of the Municipal Act would be replaced with a new tax reduction mechanism. Using this mechanism, municipalities could reduce the taxes on commercial, industrial and multi-residential property to the limit by processing a

reduction on the tax bill rather than issuing an after-the-fact rebate. Municipalities would fund the cost of tax reductions under this mechanism. The cost would not be shared by school boards.

A fifth tool would be the new phase-in tool, which would be created under section 372.2 of the Municipal Act. The new phase-in would be a modified version of the existing phase-in that was made available in the 1998 reassessment under section 372 of the Municipal Act. The new phase-in mechanism would be a permanent tool that could be used to gradually implement tax increases and decreases upon each reassessment.

Finally, the new phase-in tool would allow municipalities to phase in all tax changes that occur in the year of a reassessment; take up to eight years following each reassessment to phase in tax changes; establish phase-in thresholds based on percentages or dollar amounts; replace an existing phase-in with a new phase-in, provided the new phase-in applies for at least as many years as remain outstanding under the original phase-in; and finally, phase in equal amounts each year or phase in variable amounts, provided the amount phased in each year is no more than the amount phased in for the previous year.

As I said earlier, it took a lot of courage to bring about current value assessment in Ontario. I know it has taken different pieces of legislation over the last three years to get to this point. But the importance we put on small businesses and on the business sector in this province—these are the private sector operators who have created almost 750,000 jobs here in Ontario. We have to have this province remain competitive with our neighbours to the south, as well as other provinces in our great country. I'm pleased we've been able to use current value assessment and tax reform here in Ontario to help these people along. I know it will take some time to come to fruition, but I'm pleased we're able to debate it here today, and I support the legislation.

The Acting Speaker: Comments or questions?

Mr Gerry Phillips (Scarborough-Agincourt): I appreciate the comments of the member. I'd like his response on an area he touched on in this bill that I think is going to have the most significant impact. There is no question that the Harris downloading of social assistance, social housing and 100% of transit is beginning to have an impact on municipalities. It is the area the municipalities worry most about.

1530

This bill will force municipalities in what appears to be a majority of the cases to put any increased costs as a result of that downloading on to just one class of property, and that is single-family residential. This isn't just for one year. This bill is, I gather, in perpetuity. So each year, if a municipality's tax ratio is above the average on commercial or industrial, it must put any increased cost on to single-family residential. That's for communities such as Brockville, Guelph, London, North Bay, Owen Sound, and many other cities and communities.

I understand the need to move and to help our commercial and industrial organizations, but at the same

time there are going to be many communities that are faced with enormous pressures to provide for the services that have been downloaded on to them that they didn't want. This bill forces, in all of those cases, 100% of those increased costs to go on to residential. I think we're going to handcuff the municipalities and put them in a position where they're unable to function efficiently.

I would appreciate his comments and his remarks on that.

Mr Marchese: I appreciate the modest defence made by the member from Simcoe North of Bill 140. Just to follow up on what the member for Scarborough-Agincourt was saying, I was just digging up something from the past. Mike Harris, when he wasn't a Premier—just before he became a Premier, in April 1995—when he spoke about property tax reform. "Let us remember there is only one taxpayer," Harris said. Prolonged applause. "We must end the old politics of downloading one government's problems on to another. During the last 10 years, governments believed that our tax capacity was unlimited, to the point where GTA has come to stand for Greater Taxation Area." He makes reference to the fact that there's only one taxpayer. He makes reference to the fact that he's sick and tired of the download. And yet this is what Mr Harris has done since he got into power.

In fact, he's downloaded on to the municipalities, on to the backs of the homeowners, things that ought not to be there, things that ought to come from the provincial income tax system because it's at least a little fairer than the tax base that comes from the homeowner or the tenants, including business in this particular instance. But we've downloaded ambulances, public health, childcare and more childcare on the backs of the property tax base, more welfare on the backs of the property tax base. We've downloaded, as the member from Scarborough-Agincourt said, transportation. This minister doesn't have transportation any more except highways, because he's gotten rid of the GO trains and all of transit. And now housing. Everything that should be paid by the province is being paid by the taxpayer, and so the total shift is now on the back of the homeowner. That's what's so bad about this bill.

Mr Steve Gilchrist (Scarborough East): I'm pleased to respond to the comments made by my colleague from Simcoe North. I think he stayed on topic, unlike the comments we've heard opposite.

It really has been quite remarkable. As I predicted when I had a chance to make some comments on this bill earlier on, not one substantive point has been made about the actual content of this bill by either a Liberal or an NDP; not in their speeches, not in their rebuttals. Not one clause has been referred to; not one specific word has been changed. Instead, they talk about issues that are three years old, this so-called downloading that AMO, the Association of Municipalities of Ontario, admits has been \$134 million to the good for municipalities.

But let's get down to an even more fundamental point. Mr Phillips from Scarborough-Agincourt continues to harangue that somehow this bill will suggest that single-family homeowners will have a tax increase, but let's get

something straight. Mr Phillips is suggesting the only solution in a municipality that's facing that problem—that would be a municipality that is getting more money from their commercial taxpayers than anyone else in Ontario and more money from their industrial taxpayers than the other cities in Ontario and more money from their tenants than everyone else in Ontario—somehow also needs to get more money from their single-family homeowners.

There is another solution, Mr Phillips. There's a solution that you didn't apply for five years and the NDP didn't apply for five years. It's getting municipalities to live within their means and, more importantly, to live within the means of their taxpayers. There are averages. Every municipality in this province should certainly be able to live within those averages. The city of Toronto is way outside that. They're getting more money per capita and yet they deliver equal or lesser services than many other municipalities. The solution is there: more efficient municipal government.

The Acting Speaker: I would remind the members of the House of a couple of rules. One is that you refer to members by their riding and not by their name, and the second is that your comments are to be on the comments of the speaker, not other members of the House.

Further comments or questions?

Mr Mike Colle (Eglinton-Lawrence): I listened attentively to the comments from our colleague from Simcoe North. He wasn't here, I guess, at the time, but I remember back in 1997 when the Minister of Municipal Affairs and the Minister of Finance bragged that they were going to fix the property tax system. That was back in 1997. You remember, Speaker. It was called the Fair Municipal Finance Act.

We now have before us the eighth attempt to fix the property tax mess. This is the eighth bill. They did another one in 1997, then they had the Education Quality Improvement Act, another one in 1997, a couple in 1998. How many times will they have to go through the passing of bills to fix the problem?

We now have the most complex, convoluted, confusing property tax system in the whole western world. In fact, I even talked to a tax lawyer. He said that if they pass one more act, which is this Bill 140, what they should call it—and this is a tax lawyer—is the Property Tax Consultants and Tax Lawyers Income and Pension Act. They love this kind of stuff; it's so convoluted. No ordinary citizen, and I don't care who you are, understands all these eight pieces of legislation. Tax lawyers have to have these meetings to try and figure out the act. The tax lawyers can't figure it out. The Ministry of Finance can't figure out what they're doing themselves. It is convoluted to the point where it is not good legislation when it's so complicated that ordinary citizens cannot understand it.

Therefore, we have bill number eight in an attempt to fix something they said they would fix, and all they've done is made it more convoluted, more complex, and put more money in the hands of tax lawyers.

The Acting Speaker: Response?

Mr Dunlop: I would like to say a few final comments on what's been said here this afternoon.

I guess in hindsight we can sit and criticize the so-called eight pieces of legislation. But again, I go back to the government that had the courage to make a decision and do something about it. Lots of the other governments over the last 25 or 30 years have had ample opportunity to bring in legislation that would fix the problems we had with assessments across our province. This bill that we're debating today, as was said earlier, is the eighth bill, but the intent of it is to bring fairness in our tax reform. We'll continue to work that way.

I go back to my comments earlier about my years on municipal council, and we talked about the Who Does What committee. I don't know how many people were involved in that, but in 1995, 1996 and 1997, that committee was very active. It had all types of representation from all across the province. That committee made a lot of the recommendations to the Ministry of Municipal Affairs and Housing on some of the changes that had to be made.

There are things like the county of Simcoe having received \$20 million toward what you call downloaded roads. They've invested that money and each year they spend so much money on it. As well, the county of Simcoe has had decreases in each of the last three years in their taxes. At the same time, with the strong economy we've had here in Ontario and the economic climate that this government has built, they've watched their welfare rolls drop from 11,000 cases to 3,800 cases. So although we continue to hear the fear-mongering from the members opposite, I believe this is a very appropriate piece of legislation and intend to support it fully.

1540

The Acting Speaker: Further debate?

Mr Colle: Again, just going back to my previous comments, I remember the speeches that took place in this House by the then Minister of Municipal Affairs, Mr Leach, who is now at the 407 trough on that wonderful boondoggle whereby they're reaping millions of dollars a week from motorists in Ontario. He's there at the 407, so he doesn't care that property taxpayers in Ontario are left holding the bag here. He said it was simple. He was going to fix it. "Trust me," he said. Then the Minister of Finance said, "Oh, yes, we're going to fix it." That was eight pieces of legislation ago.

I don't think there has been any other area of government where they've had to pass eight pieces of legislation to try to deal with an issue. It's unprecedented. I think the public out there should be reminded of that. Here are the eight bills they've put in trying to deal with this issue of property taxation:

They passed the Fair Municipal Finance Act, Bill 106. Then they came again with the Fair Municipal Finance Act, Bill 149. They said, "We'll fix it with 149." Then they said, "No, no, we left something out, so we're going to have to put some more changes toward property taxation legislation," with the Education Quality Improve-

ment Act, Bill 160. They said, "With 160, we've got it all figured out now."

Then they came back again. They said, "Oh, sorry, we left something else out." So they came out with Bill 164. They said, "That's it, that's over. We've now finally fixed it." It wasn't enough. They came back again with Bill 16, again saying, "Now we've finally seen the light."

They came again with an attempt in 1998 with Bill 79. They said, "Now this is the end." But lo and behold, they came with Bill 7 and said, "Here, we've finally found the answer. We're going to solve the property taxation issue." Then they came up with Bill 79, and then they came up with another one, Bill 14. That was seven.

Today, here we go, number eight. Eight pieces of convoluted legislation that, as I said, no average person will ever be able to understand. I know that people who deal in real estate law, people who deal in tax law, municipal officials, municipal treasurers—in fact, I remember when the municipal treasurers and clerks came here, and I know my colleague from Scarborough-Agincourt remembers. They are a very reputable organization, the municipal treasurers and clerks association. They warned this government. They said, "Before you proceed, would you please stop and listen to our advice." As this government has a habit of doing, they didn't stop and listen to the municipal clerks and treasurers, who are the experts in this field. They went ahead and passed their legislation, which—the municipal clerks and treasurers were right—was flawed. That's why we're back here again, because they are in a mess.

It's like the amateur mechanic who tries to take apart the engine at about 5 o'clock at night, before sunset. He's taking apart the carburetor, he's taking apart the engine block and all the different pieces of the engine are on the roadside and curb. Then it gets dark and, as it's dark, they're trying to put back the carburetor and the engine block, all the wiring, the ignition cables; they can't do it. That's what has happened to this government.

They said they had a simple solution to property taxation, and what they've really done is make it literally almost impossible for municipalities, ordinary citizens, to understand the taxation system they have imposed.

Like all pieces of legislation, there are things that are laudatory and things that are most difficult to accept. Certainly I'm happy to see that they've recognized the fact that there has to be some kind of protections or caps, because this type of system, which is a market value system—I think they call it current value or actual value; they've changed the name so many times. Basically it's a market-value-based system. It can't operate uniformly across the province, so they have to have these caps. They put in caps right across the province.

In Toronto they also put in caps because the bill they put forward I don't know how many bills ago basically was going to destroy small retail business if they had allowed the original legislation to go through. I was happy to join with small business people across Toronto at that time. We organized people on College Street, on Yonge Street—we closed off Yonge Street—to make the

government realize the mistakes they had made with this property tax mess they put them in. We had organized marches on Bloor Street, College Street, Eglinton Avenue. We were able to get the attention of this government to where they had a tax revolt on their hands and they had to give us the property tax caps on small business. Small business left to market value would have been destroyed in the Toronto area.

So I would like to say that the caps have to continue because pure market value, current value, doesn't work. It is really something they've had to do because they didn't listen in the first place. So now we have the caps. They're going to have to continue the caps because they know if they take off the caps they're going to destroy small business, because small business all across Ontario, not only in Toronto, is under a great deal of pressure. I know on St Clair Avenue in the city of Toronto, on one end you've got the big box stores of the retail strips, and the big box stores are successful because they're very handy. On the other end they've got the big supermarkets. In the middle, all small business retail is having a heck of a time surviving, even in this great economy. The little hardware store, the little flower shop, the little shoemaker, the small little restaurant, they are being squeezed at both ends, you might say, by the big box stores and the big, huge mega-supermarkets that are making it difficult for them to compete on a small basis.

This bill doesn't solve the ultimate problem, which is the ability of small business to compete with big business. It does keep the caps on. Without the caps, we would have our main streets as they are, I know—my colleague here from Brantford knows what has happened to the main street in Brantford and it most difficult. And Main Street across Ontario, as you know, Mr Speaker—I'm sure in Sault Ste Marie it's probably the same—has a heck of a time competing with big business. So the caps have to stay on for small business. I don't know what else they could do.

In terms of this piece of legislation beyond the caps, I would like to say that this week people across Ontario received these notices. The government very shrewdly has set up an arm's-length bureaucracy. I see my good friend Bob Richards has been given the job of trying to sort out this mess of this new bureaucracy. They created this bureaucracy called the Ontario Property Assessment Corp. They've got fancy brochures, they've got fancy offices and I'm sure they've got some competent people. I know Bob Richards is certainly competent. He was the CAO of Metropolitan Toronto and did a great job down there.

Anyway, they've got this new bureaucracy. I'm going to give Bob a call next week. They sent out these brochures and they sent out notices. The problem with the notices is that they didn't even have the courtesy of giving people their previous assessments. They gave them their assessment for this year—"Here's what it is"—but they didn't say, "Here's what it was when it was based on 1996 values." I think that would have been very helpful if the people at the new OPAC had done that.

These notices are still not enough to explain this very complex system. I remember when I was on Metro council they used to talk about the mill rate and how confusing the system was at that time. I'll tell you, now it is doubly confusing, because you also now have a third party involved in property taxation. Not only has this government set up eight pieces of legislation, they've set up a whole new bureaucracy, the Ontario Property Assessment Corp.

So ordinary Mrs Delduca there, when she gets her tax bill, doesn't know where to turn: "Do I go to my MPP's office to find out who's responsible? Do I go to this OPAC, this new bureaucracy you created? Do I go to city hall?" Mrs Delduca has no idea who's responsible, because the system has become so complex.

1550

Assessment is theoretically done by OPAC. The provincial government sets the mill rate, because they set it for educational purposes. They set up the policies, they set up all the rules, and then the city has to set up another tax rate. So you've got three huge bureaucracies dealing with Mrs Delduca's property taxes.

Mrs Delduca is saying, "Listen, I've got this bill. What does it mean?" They say, "You have to phone this number." Now, as you know, everybody's got these toll-free numbers and Web sites. Mrs Delduca can't afford a Web site. She's got to go pay for her rapini that's gone up double in price. She has to go and pay their hydro bill, which has gone up 45%. Her husband, Sam, can't even drive the car any more because the price of gas has almost doubled. Mrs Delduca and Sam Delduca have nowhere to turn. They get this bill—oh, it's an assessment. Who do they go to? "Go to city hall." City hall says, "It's nothing to do with us. The assessment is put forth by OPAC." They are very upset, and sometimes not so much because they got the bill; they just can't quite understand it. Then if they try to get hold of the Web site, as I said, a lot of people still don't have computers, aren't on the Net; they can't even afford it.

I just hope there's simplicity. I just hope people realize that we now have the most complex, convoluted system in the whole world. This is the eighth attempt to fix it we'll probably have another eight. Just like they've done nothing for the price of gas when we're being gouged at the pump, they're going to do nothing to fix the property tax mess. They're just going to pass more legislation like drunken sailors and think they can solve all the problems of the world by passing legislation.

This is a pension bill for tax consultants who go door to door preying on people and it's a pension plan for tax lawyers. That's all Bill 140 will do, and they still haven't got it right.

The Acting Speaker: Comments and questions?

Mr Marchese: I congratulate the member for doing several things, but one point in particular is memorable and that is that this government never ceases to amaze us with its incompetence. He made reference to the several bills that it had to pass. You'll recall when they introduced these changes to the Assessment Act. You would

think, given the fact that the public really believes these people are competent managers, that it wouldn't take seven bills, really, to fix a problem of assessment. You would think that if they had done their careful work and consulted with the municipalities, one bill might have done it. But no, seven bills, each one to correct the incompetence of the other. That's gross mismanagement. The public who believe that these Tories are good managers ought to know this.

Given what the auditor just said to us in the last couple of days, these would be the last people you would trust in terms of managing your money, because the people they're appointing on these corporations and the ones suckling at the public trough—and they're doing it very well, people appointed by this government and just sucking the money away for themselves and away from those very needs that pertain to citizens and to the entire Ontario population. These are the managers, the same managers who dealt with the Ontario Realty Corp, the people who are gaining, making a whole lot of money, because there are insiders who are helping outsiders and they collude together to make money. These are the managers of the public trust. These are the same managers who are going to protect businesses, and God bless, but what about the homeowner?

Mr John O'Toole (Durham): I couldn't resist the opportunity to comment on the member for Eglinton-Lawrence, who arguably could be the next mayor of Toronto when Mel Lastman relinquishes his reign of leadership—until he gets the Olympics.

The member for Trinity-Spadina always brings an interesting point of view; often not on topic, but always interesting and always entertaining. I think the sucking and the kind of dramatic references that he goes through is certainly one of the reasons I stay here this late in the evening.

But I am waiting for a thorough and substantive debate later on. For those watching, I'll be on in about 10 minutes, so there are substantive arguments that will be put forward. Stay tuned. Get your VCR ready; it's worth the time.

I'm waiting for the member for Scarborough-Agincourt. I've got people ready. They will be recording it and I'll be responding to his input on this important debate on Bill 140.

In fairness, we're all trying to reduce taxes here. Don't misunderstand the equation. The two previous governments, what we call the lost-decade governments, are something we'd rather forget, actually.

Ms Marilyn Mushinski (Scarborough Centre): The reigns of error.

Mr O'Toole: Yes, it's called the reign of error. That's one of the new expressions we use.

I know that in our municipality, regional chair Roger Anderson is a person whose main objective is to deliver high-quality services at an affordable price. Certainly our minister, Ernie Eves, has been working hard at this to get it right, and if it takes nine bills, I'm prepared to support an additional bill to get it right, to keep taxes down and quality of service up.

There are other members here who may want to speak, but there are only eight seconds left, so in the interest of saving time, I'm waiting for a response from the member for Eglinton-Lawrence, the future mayor of Toronto.

Mr Phillips: I'll just say to the public, don't put your VCRs on now. I'm just Gerry Phillips. Mr O'Toole will come later. You can leave your VCRs off.

I just want to comment on the remarks from my colleague on business taxes. The other evening we asked the government a question. These are the business taxes across the province of Ontario on education; this is the Mike Harris tax. This is set by Mike Harris. This is not the municipalities; this is Mike Harris's tax. We said, "Why is it that a business in Brockville assessed at exactly the same as a business in Parry Sound, identical businesses"—let's imagine an identical Pizza Hut: in Brockville it is paying \$22,000 in taxes; in Parry Sound it's paying \$5,000. That's \$22,000 in Brockville, \$5,000 in Parry Sound. In Toronto it's \$26,000. We said, "Why is that? Why is Mike Harris setting the taxes that dramatically differently?"

Mr Gilchrist, speaking on behalf of the government in his usual way, said, "I'll give you the answer." He has an answer for everything, of course. He says that the business tax today is the exact same as the school boards were levying three years ago. My businesses say, "I thought Mike Harris hated the school boards. I thought he took this over to fix this thing. I thought he said he was going to change it, and three years later it's identical? I thought that was the whole purpose of this."

We now have the answer as to why for the exact same business it's \$26,000 in Toronto; in London, by the way, it's \$20,000; Barrie, \$12,000; and Parry Sound, \$5,000. It's because no progress has been made over the last three years, in spite of the fact this was all about change.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: The member for Eglinton-Lawrence had about eight minutes left on the time. There was a mix-up on the Tory rotation. I would ask if the House would give unanimous consent to have the remaining eight minutes that was left in the 20-minute rotation for the member for Eglinton-Lawrence.

The Acting Speaker: Is there unanimous consent? Agreed. Further comments or questions? OK, that's fine. Go ahead.

Mr Colle: I appreciate the collegiality on the other side on this, on both sides. I think that really helps this place work better. I know we don't always practise that, but—

Mr O'Toole: You don't always co-operate, Mike.

1600

Mr Colle: My esteemed colleague from Oshawa—I call it Oshawa but it's beautiful Durham—talks about the next mayor of Toronto. I guess he doesn't realize there's a Lastman dynasty being set up. Whenever Mel steps down, maybe after he gets the Olympics, it could be Dale Lastman taking over, who is one of the best lawyers in Canada, or maybe his other son, Blayne, who is one of the best business people in Canada. So the Lastman name

will be at city hall for decades to come, I predict. By that time they may even have megasized themselves to incorporate Durham under the Toronto umbrella; you never know. It depends on whether this mega merger mania continues.

One of the things that concerns me about this tax bill, because it is confusing—there are going to be appeals. I appreciate the fact that the Ontario Property Assessment Corp is allowing for a two-stage appeal. Just to let people out there know, you can ask for what they call reconsideration. You can get that by contacting them, and hopefully you can do it by mail, phone etc. You can ask for a reconsideration of your assessment. I hope that many people do that if they have questions. There also are public meetings throughout Ontario.

One problem I have is that these public meetings should be advertised more widely. I haven't seen them in local newspapers. This government is very good at advertising on television. I hope that some of these public meetings, for legitimate questions people have about assessments, are advertised and that they spend a little bit of the money they usually spend on advertising their own particular agenda, that they have money put aside to let people know there are public meetings. My understanding is the public meetings are scheduled for next week. Many people don't realize the dates and the places, so I hope the government gets those notices out and encourages the Ontario Property Assessment Corp to do so.

One of the other concerns about all these pieces of legislation is they have driven a lot of appeals. Last summer there were over 100,000, and the estimates were up to 200,000, appeals still left on the books from the 1996 assessment. I tried to get the actual number. We cannot get the number. There are literally thousands of homeowners all across the province waiting for their appeals. While they're waiting for their appeals based on 1996, they have a new assessment. The question is, will they combine the two appeals or do they wait this year and a half, two years, and another two years, and then the other assessment comes on board?

I hope that somehow they do something in terms of allowing for due process for property taxpayers across the province to get their hearings. They shouldn't have to wait two years to ask a question about their property taxes and appeal it before the tribunal.

The convoluted legislation has brought on a huge wave of appeals. I want to warn the public out there. I don't know if it happens in Sault Ste Marie, Mr Speaker, but there have been some scoundrels going door to door in Toronto. What the scoundrels do is they usually pick on the elderly. They'll say, "We will appeal your property taxes," and then in the fine print, underneath, it says, "If we appeal, you, on signing this contract, have to give up your first year's savings."

So if you win the appeal on your property taxes—a lot of them are wrong—and let's say you get \$1,000 off, they would take the \$1,000. But that's in the fine print. So a lot of seniors have come crying to my office over the last year or so saying, "I didn't realize I signed this

deal with these fly-by-night property tax consultants to give up my savings. I thought I was going to get the savings."

I hope this government sends out a warning to people all across the province not to sign these contracts with these door-to-door salesmen who are taking advantage of these convoluted, complex property tax pieces of legislation.

What they do is claim, "I will go to the assessment appeal board or the property assessment board and I will argue your case." A lot of them know nothing about property taxes. All they basically do is take a chance that the hearing officer will rule in their favour, and they pocket an easy 1,000 bucks. Some of these companies have made thousands if not millions of dollars, at the expense usually of seniors in this province.

They will be out in force again, because as soon as these property tax assessment notices come out, you will see these unsolicited mailings go out to households in areas all across this province where they will say, "Hey we will appeal your assessment." Somehow the government has to put out some kind of warning or information or put a stop to these property tax door-to-door consultants who are ripping off the elderly and many people in Ontario who don't have English as a first language. That is one of the by-products of having legislation that sometimes is not understandable.

I hope the government gives out more information and advertises the open houses publicly in all the languages—Mandarin, Cantonese—so ordinary people can get information in their own language at these centres, in plain language they can understand. As of now, I have seen no advertising of these attempts to explain the property tax assessment notice they've received. Something as important as this should be advertised by this government, but so far, as I said, they're reluctant to do it and I think they're doing this to the detriment of ordinary people who are not conversant in property tax law.

The other thing that still hasn't been rectified by this legislation is people on fixed incomes who live in a tony upscale neighbourhood and all of a sudden—like my colleague from Trinity-Spadina said, people have 15-foot frontages at their homes. I don't know if you get home that small in Sault Ste Marie, Mr Speaker. I think your cars are 15 feet wide there. You go down to Euclid Avenue and they've got a 15-foot frontage. Their assessment has gone up 40% or 50%. They say, "I'm just a senior in this home. I'm not going to sell it."

This kind of legislation perpetuates that taxation and penalizing of people on unrealized capital gains. They just want to be left alone in their home, and all of a sudden they get a huge tax whack because, God love them, the yuppies, the speculators etc, are moving in. That's one of the dilemmas.

The Acting Speaker: Further debate?

Mr David Young (Willowdale): I am certainly pleased to have an opportunity to comment on the remarks made by my colleague opposite from Eglinton-Lawrence. I appreciate the fact—

The Acting Speaker: We're actually moving on.

Mr Young: Speaker, forgive me. I thought it was two minutes.

The Acting Speaker: We had a bit of a—
Interjection.

The Acting Speaker: You'll have to talk to the member from Durham, I think. We had unanimous consent to allow the member from Eglinton-Lawrence to finish up and then we were going to move on, because we already did the comments and questions. Further debate?

Mr Marchese: On a point of order, Mr Speaker: Just to be helpful, we didn't complete—

The Acting Speaker: Actually, we did. I asked twice for further comments and questions before I moved to the member from Eglinton-Lawrence and nobody stood up, so we're moving on. That's my ruling. Further debate?

Mr O'Toole: Thank you, Mr Speaker. I don't want to get caught in a controversial ruling, but I respect the fact that you recognized me. That's important. In all humbleness, I say this with a sense of humour on this last day of this week. Despite all of the voting for and voting against issues—

Ms Mushinski: It's not the last day; tomorrow's the last day of the week.

1610

Mr O'Toole: The last sitting day of the week.

I would say that Bill 140 is an ongoing commitment by this government to do the right thing when it comes to taxes. The first and most important thing to start with is to give a sense of background. I think all governments have wrestled with this idea of the difference between assessments across the province of Ontario, the equity even within the city of Toronto, which was made up of a number of smaller cities before they formed the new city of Toronto, and having a different assessment base for the whole calculation of raising the revenue by which we elected people spend money.

The previous governments had a number of commissions and studies and reports. They've all been mentioned. There was the disentanglement report, the Fair Tax Commission and the Who Does What. All of them were really trying to deal with the same issue, how to equitably distribute the tax load on different property classes. For those watching, to some extent we have sorted out some of those questions. We're just beginning to deal with a very technical area, and all of us here really ultimately want to make sure we get good value for the taxpayers. I don't think it's an exclusive jurisdiction of ours, but certainly we are committed to lowering taxes—that's our primary agenda—and improving the quality of service at the same time, if that's possible.

We worked out a number of solutions in a progressive direction of coming up with a current value assessment system. That system is certainly not fully implemented at this point, so what we have is a transitional period between the future point when we will have equalized assessment across the province, current value by area, and what we have today, being very skewed property value assessments.

I see the member for Scarborough-Agincourt is doing the right thing: he's going to watch this in the privacy of his office so he can actually take notes. I respect that, because Mr Phillips is a very well respected tax fighter—well, a tax increaser, maybe.

Bill 140 goes a long way to, first, giving some stability to municipalities to deal with the transition from the old system of inequity and poor distribution of the assessment equation to a new system of harmonized assessment bases. Once you've got the assessment base sorted out, if you ever do, you really have one part of the equation worked out. The other part of the equation, of course, is the responsibility of the municipalities to set the tax rate, or what used to be called the mill rate. How those two pieces work is actually quite interesting for the viewer and for those members here.

In my time on local council, I chaired about four municipal budgets and I think the most instructive time I had there was with the treasurer of the day—and I mean this respectfully—Ms Marie Marano. She basically helped me understand this whole mill rate and assessment equation. For those listening, once you have the assessments across the municipality at the upper tier or the lower tier, or for that matter across the province, you have a formula for apportioning the load of who pays for all of the services that the public enjoy, a way of disbursing or distributing the tax load. It's more complicated than that, because it isn't just one property class that we're dealing with. We're dealing with farm, with residential, we're dealing with industrial, we're dealing with commercial and we're dealing with managed forest lands, but there are a number of property classes, as you know. So we gave municipalities a number of additional tools within property class to apportion the load. That's all on the assessment side of the equation.

The other side of the equation is basically establishing the taxes, how much money they're actually going to spend in the municipality. They can make determinations that they're going to have so many parks and so many arenas and so many firefighters and so many road maintenance projects, so there's capital and operating budgets. They roll all that together and they make an equation that says, "We need a tax rate times the assessment rate," and that's the equation. You have your assessment and you apply a tax rate to generate his amount of revenue for the municipality and/or the region. When you get to that point you really recognize that the municipalities needed some tools during the transition period. If you look at Bill 140, they're clearly outlined here, for those that are paying attention, and I would hope that the opposition are. But some are doing Christmas cards and that's understandable. It's completely acceptable to be doing them.

Mr Colle: On a point of order, Mr Speaker: What does the member, my esteemed colleague from Durham, got against Christmas? Is he the Grinch?

The Acting Speaker: That's not a point of order. The member for Durham.

Mr O'Toole: I believe that the member for Eglinton-Lawrence is well intentioned, but he is using valuable time where there could be instructions being given to the

people of Ontario, the hard-working taxpayers of Ontario.

The municipal powers remain important, I just want to say for the record and out of respect for the people I work with and am committed to working with in my riding. At Durham region there's the current and probably future chair, Roger Anderson, as well as Pat Madill, who's the clerk, and Jim Clapp, who's of course the commissioner of finance. He's basically the boss—I mean the paid staff boss, not elected boss.

In the city of Oshawa are Brian Suter, who is the city clerk; Nelson Tellis, who's the city treasurer—a very important job; John Brown, the city manager, an excellent fellow I've met; Kathy Burley, who is the tax information officer, a very difficult job; Tim Dwyre, the tax collector. That's a job that dates back to biblical times.

Mr Colle: Who's the dog catcher?

Mr O'Toole: The dog catcher has recently resigned.

In the township of Scugog it's Kim Coates, who's the clerk, an excellent person; Yvonne deWit, who's the chief administrative officer; and a recent and very positive change, Kathy McCann, who's the treasurer, a very knowledgeable, hard-working, honest person.

The municipality I live in is in Clarington. Clarington is several subordinate municipalities, but Patti Barrie is the clerk there. They have a new mayor, John Mutton, just elected and replacing Diane Hamre. By the way, Diane Hamre is having her celebration tonight after serving her municipality for 20 years. I would love to be there. If I'm speaking to the people at home, it's at the Garnet Rickard centre at 7:30 tonight. I'll do my best to be there. You can count on John O'Toole.

Marie Knight-Stanley is the deputy clerk, a person I've known for some time; but here's one to take note of: Marie Marano is the treasurer in this valley—terrific—and she's also with the Association of Municipal Clerks and Treasurers, a very knowledgeable accounting person; Franklin Wu is the chief administrative officer, a former director of planning; Maureen Wiles-Frost is the tax collector; and Nancy Taylor is the deputy treasurer.

Now these people work to make sure that the public and the taxes they pay are well within their understanding and their support. But it's the elected people who set the tax rate, not the staff people.

The tools we've given them are the interim borrowing authority, setting tax ratios, the authority to set the interim levies, the phasing-in of tax increases and, I might say, decreases, the deferral of tax increases for lower-income seniors—an excellent input by Minister Eves. There's a series of tools here that they have the authority—there are property classes and subclasses, and they're able to lower the burden for some areas. Conventions centres and airports would have an extraordinarily high tax rate.

I think if people want more information, they should start with the MPP. Most MPPs on this side understand this. Some on the other side think that you just increase taxes; you just keep increasing them. We are trying to

make sure that, for instance, all of this is about reducing taxes.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Value for money.

Mr O'Toole: Value for money, and we're happy with the auditor's report this week to remind us to keep our eye on the ball. Mr Speaker, I'm sure you support this comment: we're elected, we're accountable and we've got to be always mindful that it's the taxpayers' money that we're looking after. It doesn't matter if it's municipal, provincial or federal, we're here to make sure that the hard-earned taxes and the taxpayers are protected. I can assure you that on this side we'll be supporting Minister Eves's bill, and I suspect that at the end of the day those on the other side will support it as well.

1620

The Acting Speaker: Questions and comments?

Mr Colle: I was listening attentively to my colleague from Durham, who certainly understands his constituency very well. I'm glad to see him praising local officials, because they do deserve praise. I know they're under a great deal of pressure trying to cope with the downloading this government has put on local municipalities. They're caught in the middle because you've got this fancy new bureaucracy, the Ontario Property Assessment Corp, and this government is squeezing all this complexity down on the municipal clerks and treasurers.

They're great people out there in Scugog and Clarington. It's too bad that the member didn't mention that Bill Stockwell was unsuccessful out there, trying to run for Clarington. He would have made a great mayor of Clarington, but I guess he lost to a better person. Who knows?

I think the local municipalities are going to bear a lot of the load here because of a combination of two things. The clerks and treasurers of Ontario have repeatedly asked this government for their ear; they have not been given that hearing. I hope that in this process of Bill 140—and I see the parliamentary assistant there—they will sit down with the municipal clerks and treasurers. I would like to see their comments on Bill 140, because in past pieces of legislation, this government did not listen to them. So I implore that they sit down with the good men and women of the Association of Municipal Clerks and Treasurers of Ontario to get their input so that they don't make the same mistakes they made last time, because when you rush through these things as they've done in the past, you have to come back again with more legislation. I hope there's time for hearings and I hope there's time for consultation, especially with the clerks and treasurers of Ontario.

Mr Marchese: I don't doubt the member's sincerity at all in his belief that taxes are going to be held down and that he's seeking fairness for small business and he's hoping that the homeowner is not going to get a tax increase. But I've got to tell you good citizens of Ontario, many of you are going to get whacked. You're getting to get whacked big time with a tax increase that many of you will not be able to afford. And while there may be

some measures for some of you out there, for people with disabilities in particular and for people who have very, very low incomes—and I'm not sure what that threshold is—and while cities can create some measures there to protect you, I'm not quite sure whether the municipalities will do that, and if they do, I'm not quite sure how they're going to make up for helping some of you and not helping others. A whole lot of you seniors do not have a disability and you are not below that certain threshold. Many of you will have enough of an income and won't qualify for the kinds of measures that might protect a few and won't protect the many. My point to many of you good citizens, taxpayers, is that you're going to get whacked.

With many cities facing cost pressures due to transit capital costs, arbitrator labour settlements, repaying provincial loans of \$200 million—these costs alone here in Toronto amount to about—these pressures exceed revenues by about \$150 million, so they're going to have to do something. So property taxes are going to have to be increased somehow. The business class is protected and big rental building landlords are protected, but what about you, homeowner? What are you going to do and who's going to protect you? Is Mike Harris there to protect you? Who else is going to be there to save your neck?

Mr Young: I'm pleased to have an opportunity to comment upon the remarks made by the member for Durham. I want to say at the outset that the member for Durham not only understands but deserves a great deal of credit for the bill itself, because he has been an advocate on behalf of his constituents over the past number of years and the bill is the way it is largely because of the interventions and the assistance we have received from individuals like the member for Durham as well as individuals and groups across this province.

I should point out to you that we have in fact consulted with the Association of Municipalities of Ontario. Our ministry has consulted with the Municipal Finance Officers' Association, with the Association of Municipal Managers, Clerks and Treasurers, the Association of Municipal Tax Collectors, and on and on and on. And it's because of those consultations and it's because of the meaningful input that we received from those associations and the individuals therein that we have put together a bill that I'm confident will work and will work well.

One example, of course, is the removal of the frozen assessment listing, which was something that those very associations that the member for Eglinton-Lawrence referenced asked for and received in this legislation.

I do want to, in my remaining moments, also talk about the fact that the tax relief that is there for low-income seniors and low-income persons with disabilities is mandatory and must be used by municipalities. There is an additional clause within the legislation that provides for optional tax relief to be afforded to individuals who face undue burdens. It's up to any municipality across this province to exercise that option, and I'm quite

confident that they will do the right thing and ensure that those taxpayers do not face undue burdens that they cannot afford. So it is within the hands of the municipalities. That's what they asked for and that's what they received.

Mr Joseph Cordiano (York South-Weston): Imagine the shock that was received by homeowners this past week when they received their assessment bills. Of course, this is the eighth property tax bill in three years, all stemming from the panacea, the great saviour for this problem of property taxation, CVA, which was brought in by this government. So imagine the shock in the minds of the homeowners who received their notice of assessment with the huge increase that some of these people are facing right across the province.

Again, I say with regard to the member's comments, this is the eighth tax bill that you've introduced. It does not solve some of the problems that were there, lingering for quite some time now. For as long as I can remember, having gone through five provincial election campaigns, property taxation has been an issue and continues to be an issue. You haven't solved very much; you haven't dealt with the real problems inherent in the inequities of the system. You have not done away with those inequities, and it will continue to plague us.

My colleague the member for Scarborough-Agincourt, you will remember, pointed out the inequities that exist, comparing the case of Brockville to Parry Sound: identical businesses paying very different amounts of property tax in the form of the education tax. That has not been solved. That inequity continues to exist in this piece of legislation. There is no solution on the horizon that has been pointed out here. I say to the member, then, this bill is not dealing with the real problems inherent in the inequities across this province, and therefore you should rethink your position on this.

The Speaker: Response?

Mr O'Toole: Just to acknowledge the members for Eglinton-Lawrence, Trinity-Spadina, and York South-Weston.

The member for Willowdale, David Young, is the parliamentary assistant to the Minister of Finance and has been a stalwart leader, someone who has helped me understand and digest the important changes that Minister Eves has asked him to carry out in this province, and he has done it very capably.

The member for York South-Weston is right: the job is not done. Clearly there is more to do. But if I look at my own area, and I have it right here—this isn't just a prop—it says, "Durham Region Property Tax Update: The 2000 general levy budget results in a decrease in property tax." There you have it. I think they're doing a great job.

I'm going to mention the mayor of Clarington, John Mutton, and serving with him are regional councillors Jim Schell and Charlie Trim. Jane Rowe is a local councillor, along with Don MacArthur, Pat Pingle and newly elected Gord Robinson. I look forward to working with these people to keep taxes down and accountability

up. For Scugog we have mayor Doug Moffatt elected. He served in this House. He was in the wrong party and that's too bad, but people do make mistakes. Now he's the mayor, non-partisan; I can work with him. We also have a regional councillor who's new, Ken Carruthers. He has served locally. He's a business person, and certainly we'll be working together—maybe some hard work, but nonetheless. Larry Corrigan, for example, is brand new. Marilyn Pearce was elected, was out, and is now back in: some experience there. Jim McMillen, re-elected; Dave Dietlein, re-elected; and Charlie Norris who is elected. That's Scugog. There's more but the common purpose here is not to say that we've arrived at some Utopia. The job isn't done. It may take us two more terms. I figure in the year 2025 we'll be working to make sure taxes don't go up and to give municipalities the right tools to do the job at the right time.

With your permission, Mr Speaker, I'll continue until you rule I'm out of order. There is more work to be done. All of us here intend to keep taxes down and service up.
1630

The Speaker (Hon Gary Carr): The member's time is unfortunately up. He could maybe have gone on for an hour if I hadn't said anything. Further debate?

Mr Tony Ruprecht (Davenport): I am delighted to join in this debate on Bill 140. Some interesting comments have been made today, especially by the member for Durham. In fact, he has actually said that the PC Party had the courage to change the tax bill. Some courage. I'm sure all of us in this House would like to see taxes reduced. The cry I hear from the government benches has been, "We're here and we tried to get elected to reduce taxes."

I have news. The people of Ontario know what is happening to their taxes. Their taxes are not being reduced. The headlines in almost all the daily papers in Toronto have agreed. It says, "Tax assessments are in, and guess what? Taxes are up." It isn't that taxes are down. I'll tell you what, has anyone in Ontario ever heard that their taxes have gone down?

Interjections.

Mr Ruprecht: I must have struck an interesting chord on the other side because apparently some government members are saying, "We had the courage to do it." I've got to give you some credit. First of all, no matter what anybody would have done, it's true, there is no perfect tax bill. I understand that and our party understands that, so there are going to be some inequities, no doubt. You've had the courage, all right, to step into a tax mess and produce a bill, which as you know—I have it in my hands, Bill 140—is such a bill that you cannot be proud of this bill, that's for sure.

I know the member from Eglinton-Lawrence has a chuckle about being proud of it. If you're going to put your name to this tax bill and be proud, member from Durham, I'm telling you that you've got your blinders on, because how can anybody be proud of Bill 140?

Look at this. This is supposed to be making the taxpayers of Ontario smile. This bill, as was mentioned

previously—I don't want to repeat myself but I tell—is not only not the first bill, but it's not the second bill, it's not the third bill, it's not the fourth bill, it's not the fifth bill, and it isn't even the sixth bill or the seventh one. This one here, this Bill 140, is the eighth attempt to get it right. Courage? Is it the courage to set this right or is it the courage of a foolhardy man who walks into the mud and gets splashed all over? That's courage? You can't be proud of Bill 140 because, quite honestly, who understands this bill?

Did you read it, Mr Sampson?

Hon Rob Sampson (Minister of Correctional Services): Yes.

Mr Ruprecht: You read this bill from cover to cover? And you understand this bill?

Hon Mr Sampson: Yes.

Mr Ruprecht: Then please tell me why and tell the people of Ontario why, if you can, no one else understands this bill? Do you know why I say the people of Ontario don't understand this bill? It's not just because of the language, but simply because they have to go to hundreds of organizations that are in the tax business, whether they're tax lawyers, assessment counsellors or people who want to make a buck in terms of helping people reduce their taxes—we know those companies; the member was referring to them earlier. If they had an inkling about this bill, they wouldn't have to go through tax lawyers to try to figure it out. I wouldn't be surprised if even you had to hire a tax lawyer to try to figure this out to reduce your taxes because you don't really get what is in here. This is complicated and this—

Interjection.

Mr Ruprecht: You can smile and smirk as much as you want. If this is supposed to—

Ms Mushinski: You never had the guts to do anything about it.

Mr Ruprecht: I gave you credit at the beginning, didn't I?

If this is supposed to straighten it out—I know it wasn't right the first time, and you knew that too. We had demonstrations. In the first bill you introduced to straighten out business taxes, and I've mentioned this example in my earlier presentations—you can't come to the edge of a city and have a business on one side of the street. You need examples? I'll give you examples: Marrone's restaurant on the south side of Steeles Avenue—

Hon Mr Sampson: Mulroney's restaurant?

Mr Ruprecht: Not Mulroney.

Interjection: They serve baloney there.

Mr Ruprecht: I think you'd probably attend Mulroney's restaurant.

Marrone's restaurant pays \$15,200 in business taxes. The restaurant across the street, on the north side of Steeles Avenue, pays \$4,800; triple the amount, and that can't be right.

If you were trying to straighten it out on the second tax bill, OK. But it took eight attempts. So now we know. We're giving you specific examples of the inequities you

created—I know you didn't try to do it. I don't know what advisers you've had and what bureaucrats have advised you. I don't know who they were, but certainly they must have been from out of town or out of the country, or they must have been the advisers you get from the United States.

That brings me to another subject. You say, "We're here because we have respect for taxpayers' money." You say taxpayers' money is why you were elected. Yet what do we see with these increases? What do the people of Ontario find? You've spent literally hundreds of thousands of dollars on advertising, on ads promoting your party and the Premier, and you say you have respect for taxpayers' money. Producing this kind of document is not respect for taxpayers' money either. This isn't going to do it, and you know it.

I wouldn't be surprised, my party wouldn't be surprised and the taxpayers of Ontario wouldn't be surprised if you have to come back again and do number nine and maybe number 10. That's what is in the works. It still isn't working. If you came here to say you reduced taxes, this is not working. Taxes are not being reduced. How come, in the paper today, when people got their assessment notices yesterday, their taxes went up dramatically and drastically? I know you're saying this is current value assessment, and this may not be the appropriate forum to discuss what kind of assessment we should have, whether it should be current value or another kind of system. This may not be the appropriate forum, but this is still not working. Why is it not working? I'll tell you why. You can't take a senior citizen in Leaside—the example is in the paper today—and increase the taxes of a single woman who has been in a house for 30 years by more than \$1,000 a year. It doesn't work. How do you expect them to pay for the tax?

1640

You've seen the ads in the paper. You've seen them, too. Do you know what they say? Let's consider a reverse mortgage for seniors who can't make their tax payments. Consider reverse mortgages. What's a reverse mortgage anyway? We should be ashamed of ourselves as legislators to come in here and produce tax bills or to produce a tax situation whereby we are forcing some people into reverse mortgages. That simply means that the—

Hon Mr Sampson: The mortgages are reversed.

Mr Ruprecht: The mortgages are reversed. Thank you. I've tried to simplify it for you. I've tried to simplify it for this member. Occasionally you do get things right and this is one place you've got things right.

This bill is not doing it and we're waiting for—

The Speaker: Questions and comments?

Ms Mushinski: I'm really pleased to hear the comments of the member for Davenport, because he is a Toronto member. I really do have to remind him of the time when Mr Tonks, who happened to be the chairman of Metro council, attempted very bravely to bring about a reformed market value assessment system that he could take to the province in the hope that the province would

enact some fairness into what was a totally outdated and an extremely unfair system. When we went through that process—and Mr Speaker, you may recall, I was an executive member of the Scarborough council who sat on Metro council at that time—I think it was perhaps one of the darkest periods that Metro council ever went through. Mr Tonks himself had to go around wearing a bulletproof vest because of—

Mr Colle: Oh, come on, Marilyn. Don't exaggerate.

Ms Mushinski: Mr Tonks had to go around wearing a bulletproof vest because of the venom coming from the people in the downtown core who had been subsidized by taxpayers in places like Scarborough for years and years and years. When that government, the Liberal government, and the NDP government had a chance to show some intestinal fortitude, what did they do? They did nothing. Mr Eves and our government was the only government that had the intestinal fortitude to bring fairness to the property tax assessment system.

Mr Colle: I sit here attentively listening to my colleague from Davenport because my colleague from Davenport not only talks the talk, he walks the walk. He was there with me on St Clair, he was there with me on Bloor Street, on College, when small business was not being listened to by this government. He was there side by side with the small butchers, the shopkeepers, the florists. He listened to them and through his hard work we were able to crystallize small business people who rose up all across Toronto and make Mr Eves come to Bloor Street in haste on a Friday afternoon and say, "I surrender. We will protect small business."

My colleague from Davenport had the guts to be on the street with small business. There was not one member of this government who had the guts to stand with small business. So you can criticize my colleague, but when it came to standing up for little people in his community who had small homes that were being overtaxed, he was there with them, appealing their taxes. When the small business people were distraught, he was there fighting with them side by side and he was one of the persons who enabled this government to finally see the light and come scurrying down to Bloor Street to put in some protection. It wasn't because of the backbenchers here on this side, it was because of colleagues like the member for Davenport who had the courage to stand side by side with small business people who were being ignored by this government because they were going to whack them big time.

Rather than taking these cheap shots, we should talk about helping small businesses, helping residential owners and not saying we know it all. This is the eighth attempt. How many more pieces of legislation will you pass to enrich the tax consultants who prey on seniors? How many more bills will you pass to make our tax laws so complicated that only tax lawyers from Bay Street can understand this complexity?

Mrs Julia Munro (York North): It's certainly a pleasure to be able to rise and add further to this debate. I think there are many people who need to understand what

the difference is between assessment and property taxes. Very often, those fear-mongering people confuse the two. We are the government that took the initiative to ensure that there was fairness across the taxation system in this province. Many of us come from communities where assessments had not been re-evaluated for anywhere from 20, 30, 40 years. Very clearly, it was an enormous impediment. In fact, it created such inequities across the province that people were not fairly assessed and then those tax rates were applied to those unfair assessments. So it's really important for people to understand that this is a process that provides an assessment rate that reflects current value. It is up to the municipality then to assess the actual tax rate. That is the difference between the two parts, and it's an extremely important difference to understand.

It's also very clear by the introduction of this piece of legislation that we are looking at continuing our commitment to fairness in this process. It is after consultation with groups such as the Association of Municipalities of Ontario and the Canadian Federation of Independent Business that we are moving forward to ensure that this fairness continues for all Ontarians.

Mr Cordiano: When you look at this bill and when you look at what the government has done with current value assessment in the entire area of property taxation, you begin to realize that when you scratch beneath the surface and examine the true extent of this bill, there's nothing fair about it. You realize that when you come to the conclusion that municipalities no longer have the option of raising additional funds, if necessary, to meet their obligations—they will have many obligations now, given that this government has downloaded social assistance, social housing, land ambulances, very essential services to municipalities and to the people of this province. They have downloaded those costs on to municipalities. As a result of that, the municipalities are forced into a situation where the only way they can raise additional revenues is to raise them from residential property owners through property taxation on homes.

Faced with that very difficult choice, municipalities have no choice, they have no flexibility. They are going to be caught between a rock and a hard place. That's precisely what this government wanted to impose on municipalities: inflexibility, no decision-making capacity. They did not want the municipalities to raise additional revenues from businesses. They took that power away. They've given that power to themselves entirely in the form of the business education tax, with the express purpose of not permitting municipalities to raise additional revenues. So if they want to raise additional revenues, they have to raise the additional revenues from homeowners, which is an untenable political situation for municipalities. They've been loath to do that and are reluctant to do that. So it's unfair.

1650

The Speaker: Response, the member for Davenport.

Mr Ruprecht: I appreciate the comment from the member for Scarborough Centre. I never said that she

was totally wrong, but time simply doesn't permit us to get into the finer points of this 40-page document.

The member for Eglinton-Lawrence, of course, is right on target. Mr Colle has made in his presentation many comments about the various demonstrations that we actually had to organize because we were forced into it. The member from North York I suppose refers to those demonstrations in Toronto where literally thousands of people attended on St Clair, on Bloor and on College, and she talks about fear-mongering. If that's what it means to wake up a government that was totally insensitive to small business and to homeowners, totally insensitive, whereby tax increases in Toronto in some cases—and we have documentation—went up by 600%—I know these are outrageous tax increases and I use them in good cause. But let's face it: 100%, 200%, 300%, 400%, 500%, 600%. Many of these were in the 300% to 400% tax bracket increase range. That wasn't right. The only way they could possibly get this government to co-operate and to even pay attention to these outrageous increases was not to make a telephone call, not to write a letter, not to send in petitions; the only way they forced the government down and stared them down was when thousands of them came to Toronto and had these demonstrations. That was the only time they would listen. Otherwise, it was game over. So now we know what the final answer is: You've got to stare them down. Get out there and appeal your taxes. Get out there and demonstrate.

The Speaker: Further debate?

Mr Marchese: I just want to welcome the citizens of Ontario to this political forum. It's 5 o'clock Thursday afternoon and we're on live.

A number of claims have been made about who read bills, who doesn't. Did you read it? Did you read it? You know the majority of members don't read these bills, and to be fair, not because they don't want to but because no one has the time.

Mr Young: Rosie, did you read the bill?

Mr Marchese: It's quite possible the parliamentary assistant has the time to read all the bills—it's quite possible—but my suspicion, having been on both sides of this Legislative Assembly, the majority of the members in government get a briefing and that's about it. You get a five-minute briefing and you hope for the best. That's the extent of it. You know that and I know that. I don't want to lie to you, citizens. But that's what happens.

Imagine, if the members of this Legislative Assembly don't have a clue about the contents of these bills, how are you, citizen-taxpayer, to know what is contained in these bills? You see, we debate these bills for a couple of days in the afternoon, in the evening, or two evenings and one afternoon, and it's gone, and you, good citizens will never know beyond listening to those in government and those in opposition what might really be contained in the bill. So we leave it to you to judge who is more clear perhaps more honest than the other, based on what you hear. That's the extent of democracy. It is reduced to a couple of days of debate in this Legislature. It's pitiful.

A few members of the Liberal party talked about how when this government introduced the old assessment bills there were so many problems connected to those bills that particularly affected the small business community—

Interjection.

Mr Marchese: David, listen. I've only got seven minutes. Please help me out. I've only got seven minutes.

Interjection: Then ignore them.

Mr Marchese: I like to engage, but when I have so little time it's hard.

Small business was going to get whacked in such a big, big way under your former bill that the opposition parties, the New Democrats and Liberals, fought tooth and nail against your bill to protect small business. Why did we do that? We did it because we need small business, business in general, big and small, in the downtown areas of Toronto and other cities to stay where they are, because both the residential community and the business community are an integral part of our community so they both need to coexist and to survive. If you tax the hell out of the small businesses, as you would have done, they would have been in trouble. So you then had to amend the bill. But you don't say that; you say, like the member for Scarborough Centre, "We're the only government in this House brave enough to bring about fairness." But the bill you brought in the last time would have whacked small business most egregiously, and you had to correct it. But you don't want to admit that was the case. I just put that for the record. I've got so much to say and so little time.

I want to bring some quotes to your attention because some of them are good. This is the now Premier, then the leader of the Conservative Party. He said, "Let us remember there is only one taxpayer. We must end the old politics of downloading one government's problems on to another." That's your Premier saying that in 1995, just before he got elected as the Premier. I guess he doesn't say much about downloading any more, does he? "During the last 10 years governments believed that our tax capacity was unlimited," and then he goes on and on; I don't have time. Here is a man, now Premier, then leader, saying he's sick and tired of the downloading of one government to the other. He just downloaded housing; we're debating that in committee. He's downloading housing, both in terms of collecting taxes to pay for housing at the municipal level and its administration. But here's Mike Harris saying he's sick and tired of the downloading of certain responsibilities from one level of government on to another. He does it over and over again. What gives? How can you at one moment say, "We wouldn't do that," and then you get in and you do it? And then you attack the other parties for presumably not supporting it. Do you see how disingenuous that is? And the public, the good citizens of Ontario, realize that too.

This comes from your Blueprint, I believe: "We will work closely with municipalities to ensure that any actions we take will not result in increases to local

property taxes." Ha. Does he mean that? Has he worked closely with the municipalities to make sure that no one is affected, business and/or the homeowners? I don't think so. But it's in the Blueprint that he would work closely with the municipalities to ensure fairness. I don't think it's happening.

Here's another quote from M. Harris: "Why haven't you understood that the heart, the core, of our capital city"—I think he was referring to Toronto at the time, in reference to what we were going to do in 1992—"of this province, of this country, is being threatened? It is being threatened every day. Why haven't you done an impact study on these changes in conjunction with other changes that are happening?" in reference to the fact that we New Democrats were about to introduce market value assessment. Mercifully, by the pressure we decided not to.

Other quotes: M. Leach said, "What we're going to do is make sure that no segment of business and no segment of residential property taxpayers get hurt as a result of bringing in property tax reforms." But we saw how business was going to get whacked, and now they're protecting business, and homeowners are about to get whacked. So much for M. Leach, who has left a good legacy as he is enjoying, I hope, his one or two or three pensions. God bless.

Mr Turnbull said, in 1991, "I would just point out that we feel this started under the Liberal government. There's too much downloading on property taxes." That's M. Turnbull saying this. But I presume it's OK for M. Turnbull now to download housing, to literally dump more transportation. He has dumped on to the municipalities all of transit and the GO trains. All he's got left is highways. There's no more transportation from this minister. But he's the guy who said he was sick and tired of the downloading, that there was too much of it.

Here's a quote by AMO, where they say, "'The government has been clear that it wants to see the property tax burden on business to decrease significantly,' said AMO President Ann Mulvale. This is a reasonable goal and one supported by AMO. Achieving it is important to the competitiveness of Ontario. However, if the current income redistribution programs remain on the property tax base (eg, welfare, social housing) achieving this goal shifts more tax burden to the residential taxpayer."

But of course it does. Ms Mulvale, a Tory, understands this download that other members of the Conservative party at one point decried but now implement with glee, pleasure and satisfaction. They legitimize it in whatever way they can and explain it away. We're about to have the member for Niagara Falls explain it away. But the download is going to hurt and hurt badly.

1700

Our cities are broke. The city of Toronto is broke. By the time we get into the next recession, when we've got more and more problems to deal with, with the city having to take on more of welfare, to take on child care and transportation, to take more of public health and ambulances and housing, it's going to be broke. It won't have the money to sustain those services that ought to

properly belong in the hands of the provincial government. What is it doing downloading and dumping all these responsibilities on to the municipal taxpayer? How, good citizens, can you support a government that is so incompetent and doesn't know what it's doing?

In this bill, it bans many municipalities, including Toronto, Hamilton, Sudbury and the Niagara region, from increasing the overall tax rate, what used to be called the mill rate, on businesses and rental apartment buildings. That means any overall tax increase would have to be borne exclusively by the homeowner. You think Mel is going to shift all that responsibility on to the homeowner, as much as he and Harris would like to do? He can't, because it's political suicide. So what is he going to do? He's going to cut your services, good taxpayers of Ontario and good citizens. In the next economic downturn, don't wait for it, because a lot of you, good citizens and taxpayers, are going to be whacked. This bill certainly doesn't provide the kind of fairness you're looking for and I hope you pass that on to M. Harris, the Premier of Ontario.

The Speaker: Questions and comments?

Ms Mushinski: It's always very entertaining to listen to the very flamboyant speeches of the member for Trinity-Spadina. I think, having served in this place for five years now, that he perhaps is one of the most colourful speakers. I like to refer to him as the Chicken Little of socialist politics because all I ever hear from him is, "The sky is falling."

I will hark back to the time we went through some very difficult challenges to bring equity to the property tax system. To his credit, Premier Rae at that time, when he witnessed the very diverse debate at Toronto council, committed to doing something about it. He struck what I believe was called the Fair Tax Commission at that time. There were some very interesting recommendations that came out of that Fair Tax Commission. It's interesting that the member for Trinity-Spadina talked about political suicide. It's my opinion that Mr Rae and his government of the day completely ignored the greater concerns of the people in ridings such as mine, Scarborough Centre, who for 40 years have been saying, "We have been subsidizing the rich homeowners of Rosedale and Trinity-Spadina and we think it's about time there be some fairness in the system." It's unfortunate that the NDP government and Mr Marchese at that time didn't listen to the people of Scarborough.

Mr Gerard Kennedy (Parkdale-High Park): I want to commend the member for Trinity-Spadina for his comments in this instance. The members opposite still continue to have their heads stuck in the sand. We're on the eighth law, the eighth time this government has tried to fix its own property tax mess. This is not simplification, this is a pile-on, a plethora of mess upon mess. There are telephone-book-sized bills now for this government blundering around in the property tax area, having no real idea what to do.

We see what that's going to mean for people in Toronto. We see what's going to happen to people with

30% to 40% market increases. Why? Because this government has no laws against speculation. It is doing nothing about what is abounding in this area, which is market prices that are zigzagging all over the place. What they're basically saying to people on fixed incomes or low incomes is, "You don't matter." Big surprise that they don't matter in Mike Harris's Ontario. At least they used to be able to live in their homes; at least they used to have the security of that.

We have the member from Scarborough talking about, "We're OK. We're all right in my riding." That's not the way to do property tax. The way to do property tax is to be fair to all of the people all of the time, and that's not what's coming forward in this bill, this latest patch.

Who do they provide for in this bill? Did they provide for the poor? Did they provide for the widows? Did they provide for the people who might have to give up their homes from the ratcheting around of property taxes? They didn't. They provided only for some large, commercial bank tower owners to make sure they don't get big tax increases, but they've done nothing to create a small business property tax class to look after the people who provide some return to people in their neighbourhoods for their worthwhile businesses, nothing for the people who are stuck in their homes who have value they can't use and can't have their quality of life. Instead, we have another mess, another incompetence, another lack of effectiveness on the part of this government. It's starting to make an interesting story with a lot of chapters. The property tax mess is just the latest one.

Mr Young: I must confess that the longer I spend in this assembly, the more it feels like the Twilight Zone. I must tell you that when I hear the representative whose comments I'm so pleased to have an opportunity to reflect upon, the representative from Trinity-Spadina, when I hear him talk about being out there to protect business within this province, I can't help but reflect to myself, since when has the NDP been concerned about business within this province?

Were they concerned when they whacked them time after time with tax increases between 1990 and 1995? The answer is clearly that they were not concerned. Did they think it was good for small business when they reduced the power of this government, when they reduced the intake of revenue of this government to the point where they were spending \$1 million more an hour than they were taking in? Did they think that was good for the people of this province? Did they think that was good for business in this province?

It's very easy to throw terms around, as the member for Parkdale-High Park did, and to suggest that this legislation is not good for small business. I would encourage my friend to deal with the facts in this situation. I would encourage him to look at what the Canadian Federation of Independent Business said by way of correspondence dated November 16, 2000. This is an organization that is universally accepted as a spokesperson for small businesses across this province and across this country. They have applauded this government's courage. They have

applauded this legislation, which if passed by this Legislature, will provide the sort of relief that is about six decades overdue.

I would encourage the members in this assembly to consider that this is not a bill that was crafted to fix a problem that we created; it is a bill that was put together to provide redress for a problem that was ignored by Liberal and NDP governments, and indeed by Progressive Conservative governments in decades past. It's time to deal with it. We have the courage, we have the fortitude and that's just what we're doing.

Mr Colle: It is always very informative to listen to my colleague from Trinity-Spadina. I guess my colleagues on the other side don't appreciate the fact that just because you live in a well-to-do area doesn't mean you're well to do. They don't understand what's happening to our inner cities. They don't understand that you could live in Trinity-Spadina and you could have basically just a meagre pension of \$8,000 and have to make ends meet. People move in on either side of you who have huge amounts of money, and that poor widow with \$8,000 has to somehow cope with a 40% increase in her property tax assessment.

This government doesn't understand, and the parliamentary assistant had better try to understand this. I don't know if he ever served on municipal council, but he doesn't understand it. What they've done is downloaded this responsibility of helping disabled homeowners and people with disabilities on to the municipalities. The municipalities cannot help them because of the downloading that this government has imposed on municipalities.

You know what this government is saying?

Interjection.

Mr Colle: I know, the parliamentary assistant doesn't want to listen. Maybe he should learn a little bit first before he speaks. The municipalities hardly ever get anybody who applies for these allowances because the senior doesn't want a new mortgage on her home after spending 50 years paying off the mortgage. That's all you're giving her. You're saying to that poor senior, "Put a reverse mortgage on your home." Well, sorry, Mr Fat Cat, the poor senior doesn't want to put another mortgage on her house, and that's what you're asking her to do. She says no to you and your fat-cat solution.

1710

Mr Young: On a point of order, Mr Speaker: I have concerns about the use of the term "fat cat" by the members opposite. I think that's quite unparliamentary and beneath the member.

The Speaker: I thank the member. Further responses?

Mr Marchese: Two minutes, that's all I got to be able to answer to all these members who made these fine statements.

The member for Willowdale says he was surprised to see New Democrats supporting small business. Well, I don't know where he was, but I know where the member for Eglinton-Lawrence was and I know where the member for Trinity-Spadina was. We were out there in the

streets with small business people because they were about to get whacked by a 100%, 200%, 300% increases.

I don't know where you were, but I know where I was. I don't know where Mr Stockwell was, but I know where the member for Eglinton-Lawrence was. We were on the streets supporting small business. Where were you? I didn't see you in the streets, did I, as it relates to this particular issue?

We will have differences on other matters as it relates to your five billion bucks that you found to give away to business in general, but you don't have any money for hospitals or the environment or housing or anything else that's important, or education for that matter—but that's a different discussion.

People are indeed looking for redress. As much as they now support small business and business in general with this bill, homeowners will be looking for redress, because the reassessment is going to whack people big time. Where is this member, who's a lawyer, going to help out with redress for the homeowner? Where is the balance that homeowners are looking for? They're not going to get it.

The real answer is that you've got to upload to solve most of these problems, not download down responsibilities to the cities. Downloading responsibilities of transportation, housing, welfare, child care, ambulances and public health is wrong, and that's the cause of the problem. That's what cities will have to face, and that's where homeowners are going to have to pick up the slack, because they're not protected in this bill, member for Willowdale.

The Speaker: Further debate?

Mr Bart Maves (Niagara Falls): It's really interesting to listen to the member for Trinity-Spadina say to the members on this side of the aisle, "Where were you?" when he was out on the street. I know he has been out on the street for five years. He's out in the street trying to find any vote he can and making sure that he and his 9% can keep on there.

You know where we were when he was out on the street? We were in here passing legislation that fixed the province of Ontario. The province of Ontario was virtually bankrupt when this government came into office in 1995 because of the governance of those two parties across the aisle. Plain and simple. We were overtaxed. We were spending a million dollars an hour, 24 hours a day, seven days a week, 365 days of the year more than we were taking in. We lost thousands and thousands of jobs in Ontario. We had unemployment rates of 15.3%. The member opposite thinks that's a good record. He stands by his record with an unemployment rate of 15.3% in my region of the province.

You know what I stand behind? I stand behind the bills that we passed that reduced taxes in the province, that helped economic growth. We've seen this province create over 800,000 jobs now since we got into office. That's what we were doing when he was out on the street. We were in here working, earning our paycheques.

The members opposite were proud of their record: that as the economy grew in some years, more and more

people went on social assistance in this province. They're proud of that record. So where were we when they were out on the streets? We were in here fixing the welfare system, and now almost 600,000 people are no longer dependent on social assistance in the province of Ontario.

You know, another member opposite, the member for Parkdale-High Park, says there's nothing in this bill for seniors, nothing in this bill for people with disabilities. The member for Trinity-Spadina started out saying, "Read the bill. Not everyone reads the bill." Well, I know who didn't read the bill. It was that member, Mr Kennedy, who didn't read the bill.

Let's talk about some of the tax relief measures in this bill. For whom? Tax relief for low-income senior and disabled homeowners. That's right. This act allows municipalities to provide relief from all tax increases, including municipal levy increases, not just reassessment-related increases. It also requires relief to be provided from tax increases that result from future reassessments.

What other measures are in this act? An exemption for the portion of homes built for people with disabilities. That's right. The act would provide an exemption from taxation for a prescribed portion of the assessed value of new homes that are designed to accommodate people with disabilities.

They didn't read it. The member for Trinity-Spadina is right. He must have missed that part. Obviously the member for Parkdale-High Park missed it. Obviously he missed it, didn't he, member for Trinity-Spadina? He missed it. He must have missed it; it was right there. You're right; he didn't read the bill, member. When you're right about something, you're right. Some members don't read them. The member for Parkdale-High Park did not read that.

What else didn't he read? He didn't read about tax relief. This is the Tory government; this is the mean government, I thought. That's what the members say all the time. That's the demonization the member from Hamilton talks about all the time. Tax relief for people in hardship; that's right. In this bill, local municipalities would be given the option of providing tax reductions or refunds to owners of property in the residential farmlands and managed forest property classes if the taxes are unduly burdensome as defined by the municipality.

That's it. That's in this bill. That's what they're so opposed to. But the member just finished telling us we did nothing for people with disabilities in this bill; we did nothing for seniors in this bill; we did nothing for people in hardship in this bill. The member for Trinity-Spadina is right: the member for Parkdale-High Park did not read the bill.

Tax rebates for charitable organizations: in this bill, municipalities would be required to provide eligible charities with rebates of a portion of their property tax. Charities occupying commercial and industrial property will be eligible for this mandatory rebate if they have a valid registration number issued by the Canada Customs and Revenue Agency. It's important to have that, especially for those organizations that work in all of our communities and provide such a valuable service.

I guess the crux of this bill, let's face it, is that as we've moved to the CVA system throughout the province in many areas that were outdated—many areas like mine in the Niagara region had already moved on their own to the current value assessment system. If I remember correctly, when we brought in CVA a few years ago, about 70% of the municipalities throughout the province were already on that type of system. We moved with the rest of the province so that we'd all be in the same assessment system. We all needed to have updated assessments throughout the province of Ontario so that there was tax fairness.

When we do that, and every time we update the assessment system, there are impacts on different commercial business owners or industrial owners and homeowners. In some areas that was going to be a big hit, because some areas were so far behind, their assessments were so far off, that once their assessments were brought into the 1990s and you attached the current tax rates to those new assessments, there was going to be a big hit. Back when we introduced our first bill on this, we had provided municipalities with tools with which they could mitigate any big hit on any of those businesses, especially in areas where their assessments were many, many years old.

My area wasn't that bad. We had had reassessments. There were some areas where when we brought in the system and we brought in up-to-date assessments in 1998, there were some people who got hit hard, and the region elected not to use any of the tools that we had made available to them. Other municipalities elected not to do anything. So we came back with another bill, and one of the reasons we came back with another bill was because some of those municipalities elected to do nothing and there were indeed going to be businesses that were hit hard by that new assessment and those tax rates that had grown over the years. That's why we've had a couple of bills, in fact, because sometimes municipalities didn't use the tools that were available to them.

One of the things we came up with was obviously the 10-5-5 cap, where increases could only be up by 10% in 1998, 5% in 1999 and 5% in 2000.

1720

I've had a lot of people in my office, some of whom, when the new assessments were done, were going to have lower assessments. They were actually going to get a tax break. They've had to put off receiving that tax saving, that tax break, while we phase in the new taxes for them. Again, they thought there was going to be 10-5-5 and then everyone would move to their current value rate. They are now going to be left again, I admit, unsatisfied. They are not going to be able to feel the full measure of a reduced tax assessment. They're not going to be happy about that and they'll be into my office and they'll talk to me about that.

But I'll tell you one thing. Every one of those small business owners who came to see me about that problem, liked, number one, that there's some light at the end of the tunnel, liked, number two, just about every other

change this government had made. Many of them attributed a lot of the tax reduction work this government had done as saving their business, providing a little bit more, because a lot of these are small businesses. They're not big businessmen. They don't have big, huge salaries. They are people who have slaved away at their own businesses, sometimes paying their staff a lot more than they're paying themselves, and they needed relief. They needed relief from the huge amount of taxation that the two parties opposite did from 1985 to 1995. And they got that and it made life livable. It made their take-home pay a little more meaningful. It made their businesses a little more profitable, and so they're in business today because of that. Their businesses are doing better and they're actually hiring people; and they still may not get the benefit of having a lower tax assessment because of this bill.

But all in all, with the new tax regime that we've brought in, as shown by the support from the CFIB for this, and the many other changes we've made, those businesses are much better off because of this government and the province is much better off. The amount of job creation, principally done by small business—although our manufacturing sector has boomed, our tech sector has boomed and a lot of other areas have boomed and that's where there's been job creation. Principally, small business creates jobs and they've benefited from the whole program that this government has undertaken since 1995.

The Speaker: Questions and comments?

Mr Michael Bryant (St Paul's): I'm pleased to respond to the statements from the member from Niagara Falls. I can tell you that the property taxes for the people of St Paul's are not falling. They are going up and we are all in Toronto being bombarded by this political bazooka aimed by the Premier of Ontario. If it was up to Mike Harris, at the end of the Common Sense Revolution we would have nothing but a wasteland in the 416. This is yet another anti-Toronto bill. This is yet another attempt to deal with the chaos of the property tax system that this government created.

You know the joke, "How many lawyers does it take to screw in a light bulb?" Well, how many bills does it take to create property tax chaos in the province of Ontario? Apparently, the answer is eight bills. Eight cracks at this, and yet it gets worse and worse.

The people of St Paul's need to understand that first off they need to look at their assessment and decide whether or not their taxes are going to go up. If in fact the assessment went up by 21% or less, you're OK for now. You're OK. Your taxes probably won't go up. But for many people in the riding, in fact, it's astronomical and they're being burned by this unrealized capital gain. For all those seniors and disabled people, people on fixed incomes, they're being burned by this government and this tax system.

You need to fight it. Our office is happy to help. Please go up on the Web site: www.michaelbryant.com. Please file the request for consideration. Please call up

your assessor and, if necessary, if you decide you need to appeal it, you need to make an appeal. I want you to know that your member of provincial Parliament and councillors in St Paul's west, Mihevc and Walker respectively, will do everything they can to try and fight to keep your property taxes down in the face of the mendacity of the Harris government.

Mr Marchese: The member from Niagara Falls is right, it is in the bill. There will be tax relief for low-income people and people with disabilities. That is true. In this respect, the government is very generous, because it makes it mandatory that municipalities provide relief. Isn't it wonderful for the province to say, "You, the city, will provide relief. It's mandatory. How you do it is not my concern, but it's up to you. We are magnanimous to those who will benefit from this, because we're forcing the city to do it"? God bless the province. They know how to download over and over again their responsibilities down to the city.

My question to you is, what is that threshold? Do you know what that threshold is? How many people will be eligible to get relief? What does "relief" mean in terms of real-money support? I'd like to know, because I bet you the threshold is going to be very low. So I'm not quite certain how many people are going to qualify who are seniors. Maybe the member from Niagara Falls knows and can help us, but I don't know.

I would add, to the member from Niagara Falls, that tax reduction for one group will mean a tax increase for another group. So if there is relief, whatever that is and to whomever, they're going to have to pass it on to somebody else. By law, the burden can't be passed on to business, because they're protected. So where is this shift going to go if you protect one group but must increase it to be revenue-neutral, pass it on to another? It's the residential sector, the property owner. There's no magic to this. Residents are going to be whacked with tax fairness, which is, presumably, Bill 140.

Hon Frank Klees (Minister without Portfolio): Thank God for members like the member from Niagara Falls, who is able to bring some clarity to this debate. As usual, he spoke about the facts of the bill. He balanced off the rhetoric of the Liberal and the NDP members here, who clearly haven't entered the debate to assure their taxpayers of the facts and intent of this legislation but want to continue to keep them in fear and concerned about things that will never happen.

Having said that, I also want to say for those who are watching who may have been listening to some advertisements that I've been hearing over the radio that have been put out by the Ontario Property Assessment Corp, they are, quite frankly, as well misleading. I've expressed this to the minister. I've expressed to the minister the fact that I'm very concerned that these ads are suggesting that the assessment they are receiving notice of will in fact determine their property taxes. Nothing could be further from the truth.

Property taxes will be determined by the rates that are applied by the municipalities against the properties. So

it's very much within the authority of the municipalities to determine whether or not there will be an increase in property taxes. It's true that there will be a reflection of the current market values of those properties, but we're looking to the municipalities to determine what the rates are going to be that they'll apply. We trust that the municipalities will do the right thing and ensure that there is fairness in the property taxes in their municipalities.

Mr Phillips: My comment is for the member from Niagara Falls. He will want to make sure that the residents of Niagara Falls understand the purpose of this bill. If Niagara Falls does need, in order to fund social housing, social assistance, their transit system, if any of those things are required, this bill, according to the government, means no taxes can go on commercial, none on industrial; they all have to go on to his homeowners. If he doesn't understand that part of the bill, he should make sure that he gets from the minister the sheets that were provided to us. The member will want to know that.

1730

The second thing is, the Canadian Federation of Independent Business published the tax rates for 25 municipalities across the province. These are not the taxes that the municipality puts on property, but Mike Harris on education property tax. Again, it's a public document. I would just say to the member, I don't have Niagara Falls on here, but in the chart it's there. A business in Niagara Falls assessed at \$500,000 is charged by Mike Harris for education property tax—this is paid to Mike Harris, property tax—\$20,000. The identical building in Parry Sound, the Minister of Finance's riding, pays less than \$5,000. So he'll want to point out to the businesses in Niagara Falls, for some reason or other, the Premier has decided that a business in Niagara Falls assessed at exactly the same in Parry Sound will pay \$20,000, and \$5,000 in Parry Sound. I just point these things out because they are part of this bill.

Finally, I would say to the minister who got up and once again blamed everybody, the government set up the Ontario Property Assessment Corp and now is blaming them for the problems. You set them up. They're doing your job.

The Speaker: Response?

Mr Maves: I want to thank all the members who responded to my comments.

The member for Scarborough-Agincourt knows full well that a few years ago when we did the transfer of services with municipalities, where we took 50% of the burden of education costs off of them and took it on to ourselves, we left them with a whole whack of cash that had been coming in through education property taxes. With that whole whack of cash that they were keeping now that used to go to the school boards, we said to them, "Please pay for the following services." Every year we say, "OK, how much did those services cost you? It cost you X. How much did you collect in those education property tax revenues? It's Y. Whatever the difference is, we make it up. It's revenue-neutral." We've gone over

this a million times. The members opposite know it. They choose to pretend not to know it.

The member talks about setting education property tax rates. One of the things that we did in this government and we're proud of it, was take away the ability of school boards to increase your taxes. Why? Because they had increased them year after year in every school board in every municipality in this province. What happened? The municipalities got blamed, because they mailed out the cheques, so we set the rates. What are we doing with those rates? We're reducing them. We're lowering them. We've already lowered them on homeowners, and for businesses we came up with a provincial average. The tax rate was 3.3%.

All over the place, school boards had been irresponsible. The member doesn't care because he likes that school boards had the ability to tax. But all over the place, including Niagara, school boards were irresponsible, and the tax rate on our businesses was 5.5%. We're lowering that to 3.3% over an eight-year period. In fact we're accelerating that because we've challenged the regional governments to come up with savings that they can apply to get to that lower rate quicker. That's what this government is doing for the businesses.

The Speaker: Further debate?

Mr Cordiano: I am delighted to have an opportunity to speak to this bill. I am delighted to have an opportunity to speak at all, so I'm delighted to be speaking today.

The important thing to remember about this piece of legislation, let's begin with this fact: this is the eighth version of an attempt to rectify the problems in the property taxation system, as this government saw them.

What have they heralded, in terms of a solution? What pops out of this bill immediately is that the inequities that this bill is supposed to rectify still remain in the system. My colleague the member for Scarborough-Agincourt has pointed this out time and again. It's the example of a business in Brockville paying their business education tax—and I would repeat what he said, to Mike Harris directly—of around \$5,000. The equivalent or the identical business in Parry Sound is paying much less than the one in Brockville. It's \$23,000 for that business in Brockville, and it's \$5,000 for the business in Parry Sound. Why the difference, an enormous gap between identical businesses?

If this bill was supposedly going to rectify that problem, the inequities that are inherent in the system, the why is it that that solution has no impact on this very problem that they set out to solve?

What's worse is that, flushing out of all of this, property taxpayers will be granted the luxury and the privilege of being burdened with additional responsibility for the increases that are inevitably coming as a result of the government's downloading of additional responsibilities on to municipalities. Clearly this government set out to do that right from the beginning, set out to deal with municipalities in that way so that municipalities could no longer turn to industrial-commercial properties for

additional funds. They have set a limit with respect to the municipal levy that could be imposed on industrial-commercial properties in municipalities. That was a direct result of this government's intention to limit increases.

The problem with that is that municipalities find themselves between a rock and a hard place, left with the additional burden now of responsibility for social housing and social assistance and things like land ambulances, which are essential services and, by the way, which the Crombie commission told this government not to impose on municipalities, not to off-load to them. These were essential services and should therefore not be paid for through the property tax base.

The province should maintain responsibility directly for those services because, after all, the intent there—and people who had designed the system in many administrations before this government had the foresight to think through what the problems would be. They had the wisdom to recognize that by their very nature, property taxes could not shoulder this burden, that the property taxpayer could not shoulder this burden, that these services being provided, these social services, were essential, and furthermore, that they should be equal across the province. So it would make no difference where I lived in this province, I should have access to a service like land ambulance. That makes infinite sense.

What we have from this government is a great departure from that principle, that regardless of where you live in this province, you should have access to the very best services when it comes to social services. In funding those services in a stable fashion, the senior level of government, which obviously has greater resources for providing those funds, would have the direct responsibility for providing those services.

You've changed all of that, and we're only beginning to see the real dramatic impact that that is having on our province. There is no longer a seamless system of land ambulance service across this province. We are beginning, daily, to see the results of that and the tragic consequences as a condition of what you've done. That is a dramatic departure from the history and tradition of this province in one fell swoop.

I want to talk further about the business education tax and what that means in terms of this government directly deriving revenues from businesses for the purposes of funding education. It is now \$6 billion that this Harris government extracts from businesses directly in the form of a business education tax. This is set without any debate in this Legislature, without any discussion. The minister simply imposes that on businesses without any kind of discussion whatsoever. We find it shocking that you could do this with that amount of revenue, \$6 billion, without any debate in this Legislature. I suspect that after today we won't have an opportunity to discuss that in debate ever again.

Interjection.

Mr Cordiano: Well, not in this chamber and not on this subject matter. We will be given opportunities to speak again, but certainly not to debate the increases the

minister might bring forward or to examine the system as it is structured with respect to business and education property tax.

Further to that, there is no distinct small business class created, which was promised by the minister. You like to claim you're the party that supports small business. I find that incredible. When we were the government, we had a small business committee. It was composed of parliamentary assistants. We used to meet frequently. We brought forward some initial regulatory changes designed to help small businesses.

What you've given small business, instead of real relief, is this red tape bill that frankly doesn't do a thing for small business in the long run. It's done away with the regulatory framework that was in place to protect the environment and that, I would suspect, most Ontarians supported. You did away with that in the guise of assisting small business. Nothing could be further from the truth, and that's a great disappointment. Instead, when you had an opportunity to assist small business and create a small business class when it came to property taxes, you failed to do that.

This is yet another attempt on the part of the government to bring about change and suggest to people, "We're the great reformers. We've solved these difficult, intractable problems that seemingly had no solution," and yet we find there are great inequities that will continue to aggravate, that will continue to exist long after this bill is passed.

Perhaps we will see a ninth version of a property tax bill some time in the near future. I suggested earlier that the government should recognize there are these inequities. One of the backbenchers, I've forgotten who, said, "It's a work in progress." You can say that again, that it's a work in progress. This is the eighth attempt to solve this problem and still there is no great solution to this inequity that exists.

At the end of the day, when all is said and done, what really annoys me about this initiative by this government to solve the property tax problems is that homeowners will be saddled with additional burdens. When all is said and done, it is homeowners who will have to pay additional increases in property taxes, probably imposed by municipalities that can no longer meet their responsibilities with respect to social housing, land ambulance services and social assistance.

You have burdened those municipalities with those responsibilities and they, in turn, will have no choice but to pass it on to homeowners. Imagine the shock of those people who received those notices of assessment this past week. They must have thought this government is trying to steal Christmas away from them, the grinch who stole Christmas.

Hon Mr Klees: On a point of order, Speaker: I'd like to point out that it's 5:45 on a Thursday afternoon, the last legislative day in the week, and the member from Bruce-Grey-Owen Sound is present in the chamber.

The Speaker: That's not a point of order but I know that because I was chatting with him. Questions and comments?

Mr Marchese: What an impressive point of order.

The member from York South-Weston made the point in the conclusion and in the beginning of the speech that it took this government many attempts to continue to bring about tax fairness, as they say. I call that "incremental incompetence" because we could never seem to achieve the kind of fairness we are all looking for. Perhaps by the 28th bill we might arrive at some level of competence by this government, but we're a long way from those bills. We're on our eighth at the moment, and I understand.

I've got to tell you, downloading is a serious problem and it's a serious cause of many of the tax problems we are facing at the local level. Toronto is facing cost pressures due to transit capital needs, arbitrated labour settlements, repaying a provincial loan of over \$200 million and other items, and it is facing a whole host of problems that have been downloaded: housing and other areas I have not mentioned—ambulances, public health, child care, welfare. They're going to be in serious trouble. But the three I mentioned in terms of initial estimates—these pressures exceed revenues by \$150 million. What does this amount to? It would be a 5% increase over the whole tax base or about 16% if it affects homeowners alone. The effects on the homeowner, we argue, are going to be incredible. Unless we find a way to achieve the balance and fairness you people are looking for, we've got to help the homeowner, and I don't see it in this bill.

The Speaker: Further questions and comments?

Mr Joseph Spina (Brampton Centre): As an individual who owned his own small business for 20 years, it always amazes me to listen to people who have never owned a business suddenly become the world's experts on this bill. It's like teachers who try to teach but don't know the subject matter. If anybody knows that, it's the member for Trinity-Spadina. He is a former teacher, and I have a great deal of respect for that.

Hon Margaret Marland (Minister without Portfolio [Children]): And you're married to one.

Mr Spina: Yes, I am married to one.

Why are there differences in the tax burden between business and residential taxpayers? That's easy. Past decisions by municipal councils on reassessments determined how the tax burden was spread. Businesses don't vote. So guess what? The municipal councils found it palatable to load burden on to businesses. That's what happened in Toronto. That is how taxes got spread. Municipal decisions equal municipal accountability. That's what you want.

We agree that business taxes are too high. That's why we committed half a billion dollars to reduce those taxes. If a municipality reduces its burden itself, we match it dollar for dollar to the municipal average. How many times do we have to say this? The members opposite continue to get it wrong. This bill is good for Ontario taxpayers.

We went through the Assessment Act and the tax act. The member for Scarborough-Agincourt and I sat on the finance committee back in 1995-96, and I repeatedly had

to say at the public hearings that what the bill was doing was putting the power in the hands of the municipalities. They've got the flexibility to zone, they've got the flexibility to change assessment structures, they've got the flexibility to set different rates. Those are all the tools they need.

Mr Phillips: I'll let a little air out of his balloon. I owned three businesses, I started two businesses and had 300 employees. Many times you assume you're the only people who sympathize with business. Believe me, I understand these needs. As I say, I had 300 employees.

I want to go on to the very good comments from my colleague from York South-Weston. He was reminding us, among other things, that there is an inevitability in this bill. The previous speaker said it gives the municipalities more flexibility. If you read the bill, half the municipalities in Ontario will have no flexibility now and for the foreseeable future, for years. Any increased costs will have to go on to one property class, and that's the residential property class.

I quote from the president of the Association of Municipalities of Ontario, Ms Mulvale, who, by the way, is the mayor of Oakville. She's a well-regarded mayor in Ontario. She has a terrific reputation. Here is what she says: "Previous property tax legislation has proven to be complex and it looks like today's bill is no different," the point my colleague made. She goes on to point out that you've downloaded social assistance, social housing and income redistribution programs on to property tax. We understand that reducing taxes on businesses is an admirable goal and one that all of us support, but at what cost? She points out that this goal is going to be at the cost of shifting more tax burden to the residential property taxpayer. So we simply say you've downloaded the social services, against the direction of David Crombie, and she points out the price we're going to pay.

The Speaker: Response?

Mr Cordiano: I'm glad to hear that members are at least responding to the real concern that has been expressed by this side of the House. The fact of the matter is that municipalities will be overburdened. They will simply have no choice. My colleague the member for Scarborough-Agincourt has repeatedly warned this government that this is the case. Municipalities will have no choice than to pass additional levies on the property taxes of homeowners. The city of Toronto is \$150 million short in its budget, and it's only going to get worse in the future.

You knew full well when you passed on the burden of additional social costs to municipalities—housing, social assistance and a variety of other services—that municipalities could cope with those additional pressures. Frankly, what you are trying to do is eliminate those services. You're saying to the municipalities, "Choose between eliminating those services or having them passed on to homeowners in additional property tax increases." You know that's unpalatable to municipalities; they won't do it. So they're going to start eliminating services. In the end, that's exactly what you intended to do with this.

Let's not try to kid anybody. It really comes down to the true agenda being exposed at this point. If at least you had come forward and said, "This is what we want to do to municipalities, we're going to do this," come clean and worked out something with them and not gone through some sort of backdoor exercise—because that's what this

is, a backdoor exercise and a backhanded approach to the municipalities.

The Speaker: It being almost 6 of the clock, this House stands adjourned until 1:30 on Monday.

The House adjourned at 1753.

CONTENTS

Thursday 23 November 2000

PRIVATE MEMBERS' PUBLIC BUSINESS

Public Hospitals Amendment Act (Patient Restraints), 2000, Bill 135, *Ms Lankin*

<i>Ms Lankin</i>	5739, 5747
<i>Mr Tascona</i>	5741
<i>Mrs McLeod</i>	5742
<i>Ms Martel</i>	5743
<i>Mr Dunlop</i>	5744
<i>Mr Bradley</i>	5745
<i>Mr Wetlaufer</i>	5745
<i>Mrs Papatello</i>	5746
<i>Mr Galt</i>	5747
Agreed to	5757

Drug use in correctional facilities

Private member's notice of motion number 26, <i>Mrs Munro</i>	
<i>Mrs Munro</i>	5748, 5756
<i>Mr Levac</i>	5749
<i>Mr Martin</i>	5751
<i>Mr Sampson</i>	5752
<i>Mr Agostino</i>	5753
<i>Ms Martel</i>	5753
<i>Mr Dunlop</i>	5754
<i>Mr Spina</i>	5756
Agreed to	5757

MEMBERS' STATEMENTS

Labour dispute

<i>Mr Bartolucci</i>	5757
<i>Ms Martel</i>	5759

Ramadan

<i>Mr Wood</i>	5758
----------------------	------

Education funding

<i>Mr Sergio</i>	5758
------------------------	------

Blood donation

<i>Mr Gill</i>	5758
----------------------	------

Doctor shortage

<i>Mr Duncan</i>	5759
------------------------	------

Municipal restructuring

<i>Mr Barrett</i>	5759
-------------------------	------

Highway 407

<i>Mr Phillips</i>	5759
--------------------------	------

Federal legislation

<i>Mr Galt</i>	5760
----------------------	------

FIRST READINGS

Employment Standards Act, 2000,

Bill 147, <i>Mr Stockwell</i>	
Agreed to	5761
<i>Mr Stockwell</i>	5761

ORAL QUESTIONS

Agricorp

<i>Mr McGuinty</i>	5762
<i>Mr Hardeman</i>	5762

Special report, Provincial Auditor

<i>Mr McGuinty</i>	5763
<i>Mr Runciman</i>	5763
<i>Mrs Dombrowsky</i>	5768
<i>Mr Baird</i>	5769

Labour legislation

<i>Mr Christopherson</i>	5764
<i>Mr Stockwell</i>	5764, 5765
<i>Ms Martel</i>	5764

Property taxation

<i>Ms Churley</i>	5765
<i>Mr Clement</i>	5765
<i>Mr Christopherson</i>	5765

Ontarians with disabilities legislation

<i>Mr Parsons</i>	5766
<i>Mrs Johns</i>	5766

Education labour disputes

<i>Mr Maves</i>	5766
<i>Mrs Ecker</i>	5766

Labour dispute

<i>Mr Agostino</i>	5767
<i>Mrs Witmer</i>	5767

Drug use in correctional facilities

<i>Mrs Munro</i>	5767
<i>Mr Sampson</i>	5767

Walkerton tragedy

<i>Ms Churley</i>	5768
<i>Mr Clement</i>	5768

Federal economic policy

<i>Mr Guzzo</i>	5769
<i>Mr Jackson</i>	5769

Ambulance services

<i>Mrs McLeod</i>	5770
<i>Mrs Witmer</i>	5770

Training agreement

<i>Mr Hastings</i>	5771
<i>Mrs Cunningham</i>	5771

PETITIONS

Northern health travel grant

<i>Mr Bartolucci</i>	5771
----------------------------	------

Protection of minors

<i>Ms Mushinski</i>	5772
---------------------------	------

Health care funding

<i>Mr Agostino</i>	5772
--------------------------	------

Highway safety

<i>Mr O'Toole</i>	5772
-------------------------	------

SECOND READINGS

Continued Protection for Property

Taxpayers Act, 2000,	
Bill 140, <i>Mr Eves</i>	
<i>Mr Dunlop</i>	5772, 5777
<i>Mr Phillips</i>	5775, 5779, 5792, 5794
<i>Mr Marchese</i>	5776, 5778, 5782
	5786, 5789, 5791, 5792, 5794

<i>Mr Gilchrist</i>	5776
<i>Mr Colle</i>	5776, 5777, 5779, 5782
	5785, 5789
<i>Mr O'Toole</i>	5779, 5781, 5783
<i>Mr Young</i>	5783, 5788
<i>Mr Cordiano</i>	5783, 5786, 5792
	5794
<i>Mr Ruprecht</i>	5784, 5786
<i>Ms Mushinski</i>	5785, 5788
<i>Mrs Munro</i>	5785
<i>Mr Kennedy</i>	5788
<i>Mr Maves</i>	5789, 5792
<i>Mr Bryant</i>	5791
<i>Mr Klees</i>	5791
<i>Mr Spina</i>	5794
Debate deemed adjourned	5794

OTHER BUSINESS

Order of business

The Speaker	5764
-------------------	------

Wearing of pins

<i>Mr O'Toole</i>	576
-------------------------	-----

Attendance of ministers

<i>Mr Duncan</i>	576
<i>Mr Sterling</i>	576

Visitors

The Speaker	576
-------------------	-----

TABLE DES MATIÈRES

Jeu di 23 novembre 2000

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 2000 modifiant la

Loi sur les hôpitaux publics (mesures de contention), projet de loi 135, <i>M^{me} Lankin</i>	
Adoptée	575

PREMIÈRE LECTURE

Loi de 2000 sur les normes d'emploi,

projet de loi 147, <i>M. Stockwell</i>	
Adoptée	576

DEUXIÈME LECTURE

Loi de 2000 poursuivant les mesures de protection des contribuables fonciers, projet de loi 140, <i>M. Eves</i>	
Débat présumé ajourné	579

A20N
1
D23



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First Session, 37th Parliament

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Première session, 37^e législature

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Monday 27 November 2000

Lundi 27 novembre 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 27 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 27 novembre 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

OCCUPATIONAL HEALTH AND SAFETY

Mr Michael Gravelle (Thunder Bay-Superior North): Almost exactly one year ago, this Legislature passed, on second reading, my private member's Bill 10, An Act to bring health and safety programs to Ontario students. While injured workers' groups all across the province cheered this positive action by the Legislature in supporting legislation that we believed would reduce accidents and fatalities in the workplace, particularly among young people, we also realized that putting this bill into action would not necessarily immediately follow.

However, to be fair, there has been some movement by the Ministry of Labour, as they've been instrumental in forming a health and safety advisory council, one of the key elements of my bill. Unfortunately, it is now becoming clear that while the intent of this advisory council is honourable, its ability to ensure that the appropriate health and safety programs get into classrooms across the province is severely limited. What is becoming equally clear is that it will very likely take the force of legislation to guarantee that all Ontario students get the benefit of appropriate and needed health and safety education, no matter where they live in this province.

It is for that reason I'm calling on Labour Minister Chris Stockwell and Government House Leader Sterling today to move Bill 10 forward for third reading. Just this past week, two more lives were lost in industrial accidents in northwestern Ontario. While we may never know whether they could have been prevented, it seems clear to me, and it certainly did to the Legislature last year, that providing health and safety education as part of the regular curriculum can only improve our chances of reducing future tragedies.

Minister, there is strong support for this legislation all across the province. We're counting on your support to see that it becomes law as soon as possible.

SKILLS TRAINING

Mr John Hastings (Etobicoke North): I want to deal with an issue today that's profoundly disturbing to my

constituents in Etobicoke North who are UI-eligible under the Unemployment Insurance Act and to draw attention to the federal Grit administration's continuing discrimination against our workers, not only in Etobicoke North but throughout Ontario, by their continued refusal to move forward with a fair labour market adjustment agreement. Ottawa has signed agreements with the rest of the provinces, but purposely withheld monies from Ontario.

There is continuing evidence to suggest that the federal Grits' HRDC programs in our province aren't working for many Ontario citizens. In fact, the federal Auditor General's report exposed serious problems with HRDC's unemployment programs, including fiscal mismanagement, poor service and the lack of a consistent strategy across Ontario. Furthermore, the \$620 million owed to Ontario workers is being squandered on a continuing basis. This is more than simply a waste of money. It's a squandered opportunity to improve the lives of Ontario workers who need this training to succeed in this intensely competitive economy.

HOSPITAL RESTRUCTURING

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): As a courtesy to the government, I want to draw to their attention a startling announcement that was made last week by the appointed supervisor of the Hamilton Health Sciences Corp. He announced some major changes in the health delivery network within the new city of Hamilton, which included moving the burns trauma unit from the downtown area, the general hospital that services the industrial area, to McMaster, and taking the psychiatry unit, which is currently split, and sending that all over to the general.

There is widespread concern that these proposed changes are questionable, and in fact that some are ill-conceived and clearly not in the best interests of the community.

Exacerbating that problem was Mr Mulchey's announcement that the cost of making these changes—and many think the changes ought to be made in a way that keeps the money improving the services where they are—could be some \$250 million. He suggested that \$125 million of that would have to come from property taxes locally, our already beleaguered property taxes. I want to, as a courtesy, get that on the record.

I also want to draw to the minister's attention the confidential report on the central bed registry, which I'll

send over to her later today, which talks about the critical care bypass meltdown that's about to occur in Hamilton. I'd appreciate it very much if she would review that and perhaps make a statement in the House that would allay some of the fears in my community.

HEALTH CARE FUNDING

Mr Peter Kormos (Niagara Centre): Yet more people are now being put at great risk by this government. Eric Gage of Fonthill writes that on October 17, visiting his ophthalmologist, he "identified a rapidly developing cataract in my left eye as the source of my problem. Upon requesting an early appointment for surgery and intraocular lens implant," Mr Gage was informed that he "should expect to wait upwards of 10 months for this procedure, and possibly as much as 18 months."

Yet again, Robert Layton, St Catharines: "It is unfortunate that because of your government's policies, senior citizens"—yes, it's primarily senior citizens, our parents and grandparents—"are being short-changed on health care. Those waiting for treatment related to cataracts and lens replacements are obliged to expect even longer delays for medical appointments.

"Government budget restrictions"—cutbacks, my friends—"require a cut-off after the allocated funding for new eye surgery is expended. The efficient service at the Hotel Dieu Hospital faces closure at the end of December for a period of time." Closure. "During this past year, 1,542 patients were treated there. That figure is 500 less than before cutbacks."

This Minister of Health and this Premier of the province of Ontario had better understand that their tax cuts for the wealthy are putting our senior citizens under direct attack. Those senior citizens are well aware of why those waiting lists are there for cataract treatment and why those lineups are there, and this government is responsible for it. They know it, and there will be payback time in due course.

RAMADAN

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I would like to wish all members of the House a special Muslim blessing: Bismillah Ar-Rahman Ar-Rahim—in the name of God, the compassionate, the merciful.

This week marks the beginning of Ramadan for the members of the Muslim community in Ontario and across the world. Ramadan is the holiest month in Islam and it commemorates the time when the Qu'ran was revealed to the Prophet Muhammad. Peace be upon him.

Observed during the ninth lunar month, Ramadan traditionally begins with the actual sighting of the new moon. For 30 days, our Muslim sisters and brothers will be living a life of restraint and piety, staying away from food and drinks between sunrise and sunset. Fasting during Ramadan is one of the five pillars of Islam, and

with the exception of children, the sick and the very old, all devout Muslims are expected to participate.

As Ramadan ends, Muslims come together in prayer to celebrate the thanksgiving festival of Eid-ul-Fitr. This festival of breaking fast lasts for three days and is marked by feasting and the exchange of gifts between friends and relatives. In fulfilling the teachings of their faith, Muslims all across the world are demonstrating a commitment to righteousness and compassion.

I would like you to join with me in wishing all members of Ontario's proud Muslim community Ramadan Kareem and Eid Mubarak. This greeting, which in Arabic means, "May you have a month of giving and a blessed feast," speaks to the central meaning of Ramadan.

Salam Alekum.

1340

CANADIAN ALLIANCE PROGRAM

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): This weekend I was able to attend a number of events in my riding, and I was approached by constituents who were most distressed to understand that the Reform-Alliance party has covered up its real plan to eliminate old age security and scale back the Canada pension plan.

In an Edmonton Journal article, Alberta MP Ken Epp, deputy finance critic for the Reform-Alliance, said, "The old age security is a government program, and I think as we come up with alternative methods of providing for people's income when they reach retirement age, we would have to phase that out." While this specific information has not been revealed during the campaign, it is covered in section 38 of the Reform-Alliance secret candidate manual.

Needless to say, constituents in my riding are indignant and incensed that the Reform-Alliance party would act in such a duplicitous way to scrap a pillar of Canada's public pension system for seniors.

Just as Mike Harris's tax cuts have cost the people of Ontario dearly, it is becoming increasingly more clear that Stockwell Day and his reform agenda will cost Canadians those programs and services that we have earned and for which we are respected internationally. I am confident that Canadians, including Ontarians, will see through his smoke and mirrors and deliver the message he needs to hear: keep your tax cuts so we can keep our health care, education and pension plan.

FIREFIGHTERS' AWARDS

Mr Bart Maves (Niagara Falls): While I could rise and talk about Jean Chrétien's hundreds of broken promises over the years, I prefer to talk about the Ontario Medal for Firefighters Bravery.

On Thursday, November 9, 2000, three Niagara region firefighters—Gary Richard Honsberger, George Upham

and Kurt Wilkinson of the Thorold fire department—were honoured for their bravery.

The Honourable Lieutenant Governor Hilary M. Weston and Solicitor General David Tsubouchi presented the 2000 Ontario Medal for Firefighters Bravery to these firefighters on behalf of the provincial government.

Today I stand in this Legislature to thank these gentlemen on behalf of the people in the Niagara region, who greatly appreciate the services rendered by these remarkable individuals.

Firefighters Honsberger, Wilkinson and Upham risked their lives to free an employee during an explosion at a Thorold toy manufacturing plant on November 9, 1999. These three firefighters worked together to free the employee and were able to carry the woman to safety. Sadly, despite their courageous efforts, the woman was critically injured and did not survive.

It's unlikely that these firefighters think of themselves as heroes. They believe simply that this is the work they have chosen to do; it is a part of their job. However, they are heroes. They are heroes in the eyes of their families, their peers and the citizens in their communities. Today I rise in the Legislature to thank them and recognize them for their bravery.

ADOPTION DISCLOSURE

Mr Ernie Parsons (Prince Edward-Hastings): The Ministry of Community and Social Services operates a program called the adoption disclosure registry, a wonderful program that brings together adoptees and birth parents in a very planned, formal process that ensures that everyone is comfortable with coming together.

The problem with this program is that it doesn't work for one simple reason: the province provides zero funding to children's aid societies to administer the adoption disclosure registry. Where they do find the money, they have to steal it from direct care to children's services. That in itself is a crime.

This means that there are middle-aged people in Ontario waiting five, six or seven years before they are able to commence the search process to find their birth parents or to find the children they gave for adoption. What that causes to happen is that individuals are forced to go and use other, more clandestine processes to find the other individual: unplanned, without counselling, without the other party having the advantage or the privilege or indeed the right to know whether the child or their birth parent is looking for them, and potentially, and in fact in reality has caused some very disastrous reunions, all because the province gives lip service to the program while having absolutely no line for funding whatsoever in children's aid societies. I urge the government to fund the program and make it work.

COLDWATER CURLING CLUB

Mr Garfield Dunlop (Simcoe North): On Saturday, November 25, I was honoured to be able to take part in

the official opening of the Coldwater Curling and Recreational Centre, both in my capacity as the local MPP as well as a participant in the first curling bonspiel to be held in this facility. The Coldwater Curling Club has never had a home rink of their own. Since they were formed as a club in the early 1970s, they have curled on the local ice hockey surface as well as in curling rinks in Orillia, Midland and Penetanguishene. However, during that period they have always worked at fundraising, in the hope that one day they would have a rink of their own.

Curling is a very popular winter sport in rural Ontario, attracting boys, girls, men and women of all ages. Already, the Coldwater Curling Club has attracted 160 adults and 70 youth curlers, and they have scheduled a number of bonspiels for this winter.

I'm proud to see that our government provided assistance of \$50,000 toward this project from the Ontario Trillium Foundation.

There are so many people to thank and congratulate for the success of this project, and I'll name a few. Under the leadership of individuals such as president Graham Connolly, secretary Wendy Oakley, building project leader Brian Binns and fundraisers such as Dr Evans Stone, Walter Dickie and Iris Beach, this beautiful new facility sits debt-free and ready for years of entertainment.

Once again, the small community I call my home has proven that hard work and volunteerism can lead to success.

GOVERNMENT APPOINTMENTS

The Speaker (Hon Gary Carr): On November 14, the member for Hamilton Mountain raised a point of privilege with respect to recruitment of members of the Post-secondary Education Quality Assessment Board. I have now had an opportunity to review that matter and the relevant procedural precedents and authorities.

According to the member for Hamilton Mountain there are two issues. The first is that the Public Appointments Secretariat is "seeking members for the Post-secondary Education Quality Assessment Board" in advance of passage of Bill 132. The member asserts that Bill 132 "creates" the board, and since it's still being considered by this House, the secretariat is in contempt of the House for acting upon legislation which is not passed.

In reviewing our precedents, I find many in which various Speakers have made it clear that the public service has a responsibility to prepare itself and stand in readiness for the possible passage of legislation. Let me cite just one ruling on December 20, 1989. In it, Speaker Edighoffer said, "It is perfectly valid for the public service to proceed with plans based on a bill that is already in the system in order to be able to act swiftly, once the bill becomes law. It goes without saying that if the bill is amended during the legislative process, then the public service must take note and act accordingly."

I find this case to be within due diligence on the part of the public service in preparation for pending legislation.

The member also indicated, however, that her office had been informed that the quality assessment board was created by the order in council in September. In her view, if this is the case, then the order in council itself serves to leave the impression that the legislative consideration of the bill is meaningless.

I did take some time to review both the order in council and the bill with respect to this point. First, my reading of Bill 132 is that it continues the Post-secondary Education Quality Assessment Board; it does not create it. If this is not the case, however, and if the order in council was passed without the proper legislative authority, then it may be ruled invalid in a court of law but is not a procedural matter and does not constitute a contempt of the House.

I therefore find that a *prima facie* case of privilege has not been made out.

I want to thank the member for her submission and would add one footnote. When a member raises a point of order or a point of privilege in this House and refers to material not of this chamber, such as the Internet announcement, which is becoming more frequent, it would be helpful to the Chair and greatly expedite my response if the materials in question could be provided at the time the point is raised. I would thank all members for that consideration.

STATUS OF BILL 119

The Speaker (Hon Gary Carr): I also have a point of order. Last Wednesday, the member for Don Valley East raised a point of order concerning the fact that certain portions of Bill 119, the Red Tape Reduction Act, appear in the bill only in the English language. The unilingual amendments in question are found in section 3 of schedule A of the bill, which amend the Chartered Accountants Act, 1956.

I want to inform the House that the Chartered Accountants Act, 1956, is a statute that exists only in English and therefore can only be amended in English. The reason it exists only in English is because the Legislature has granted by statute to successive commissioners responsible for consolidating and revising the public general statutes of Ontario the authority to omit from the list of public general statutes those acts which in the commissioners' view are not of general application. The Chartered Accountants Act, 1956, has been so designated and it therefore falls outside the list of general statutes and appears in the Table of Unconsolidated and Unrepealed Acts. Since the Chartered Accountants' Act of 1956 was enacted prior to the coming into force of the Revised Statutes of Ontario in 1980 and does not appear as a public general statute in them, it was not required under the French Languages Services Act of 1986 to be translated into French and legally remains a unilingual English statute today. The

relevant portion of Bill 119 therefore is properly before the House in unilingual English form.

I again want to thank the member for bringing this to my attention.

1350

INTRODUCTION OF BILLS

HIGHWAY TRAFFIC AMENDMENT ACT (PHOTO-RADAR), 2000

LOI DE 2000 MODIFIANT LE CODE DE LA ROUTE (RADAR PHOTOGRAPHIQUE)

Mr Hoy moved first reading of the following bill:

Bill 148, An Act to amend the Highway Traffic Act with respect to photo-radar / *Projet de loi 148, Loi modifiant le Code de la route à l'égard du radar photographique.*

The Speaker (Hon Gary Carr): It is the pleasure of the House that the motion carry? All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

Does the member have a short statement?

Mr Pat Hoy (Chatham-Kent Essex): The bill will provide protection for motorists who must drive the notorious stretch of Highway 410 between London and Windsor that has become known as Carnage Alley. This bill will follow the safety recommendations of two recent coroners' juries and implement photo radar on this dangerous highway.

MOTIONS

HOUSE SITTINGS

Hon Norman W. Sterling (Minister Of Intergovernmental Affairs, Government House Leader): I move that pursuant to Standing Order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, November 27, Tuesday, November 28 and Wednesday, November 29, 2000, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Mr Sterling moves that pursuant to Standing Order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday 27, Tuesday, November 28 and Wednesday, November 29, 2000, for the purpose of considering government business. It is the pleasure of the House that the motion carry? All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

QUESTION PERIOD

AMBULANCE SERVICE

Mr Gerry Phillips (Scarborough-Agincourt): I've got a question for the Minister of Health and it has to do with the Provincial Auditor's report. He's weighed in, along with every other thoughtful study, saying that it is a mistake to put ambulance service on to municipalities. Dave Crombie, who headed up your own Who Does What panel, said it's a mistake to do that. They were unanimous in that respect. The Ontario Hospital Association says you're making a huge mistake, the consultants who have looked at it said you're making a huge mistake and now the Provincial Auditor has weighed in on it and said you're making a huge mistake.

We now have overwhelming evidence that it's time for you to say, "Listen, we are going in the wrong direction. Let's stop."

Will you today, Minister, admit that it is a mistake to put ambulance service on to municipalities, it should be something that's run province-wide, and will you now reverse the decision?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member knows, there was a decision made by the government regarding the restructuring of delivery of services in the province of Ontario. As part of the restructuring initiative that was undertaken, a decision was made that ambulances would become, in the way of the delivery of service, a partnership between the municipalities and the provincial government. I'm pleased to say we now have a committee of municipalities and the Ministry of Health, who have been working together quite co-operatively and will continue to do so in order to ensure that this new partnership results in a more accountable and more effective and transparent delivery of ambulance services in Ontario.

Mr Phillips: I know you've made the decision, but the decision is wrong. I guarantee you, a year and a half from now we are going to hold the Harris government accountable for this mistake. Your are being warned about this. It's a huge mistake. Dave Crombie, the person Harris hand-picked to look at this, along with 14 other people, said, "It's a mistake. You're making a huge mistake." The Ontario Hospital Association said you are making a mistake, and now, just as the auditor warned you about the environment and the Premier was forced to admit he made a mistake there, the auditor has warned you again.

This decision will be final a year from now. Now is the time to reverse the decision. Yes, you've made the decision, but the decision is wrong. Will you admit today that it is wrong, decide to make the right decision and make sure ambulance service is run and managed by the province, as every single study that has looked at this says you should?

Hon Mrs Witmer: I don't know if the member is aware of the fact that ambulance services were never delivered 100% by the province. The majority have been delivered by the private sector, the hospital sector, municipalities and the volunteer sector, and only 10 were the responsibility of the province. If you take a look at the fact that we have 177 services in Ontario and only 10 of them were ever operated by the province, we are now in the position where we have a new partnership that will mean municipalities and the province will be working together co-operatively.

We want to ensure that there is going to be a seamless transition. I'm very pleased to say the committee that has been set up under the leadership of my parliamentary assistant, Brad Clark, has been working very well together—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Final supplementary?

Mr Phillips: I'm completely aware that every single study you've done said, "Don't do it." I'm aware that the auditor as recently as last week said these municipal boundaries will impair the seamlessness. He's telling you that you are making a mistake. Everybody is telling you that. Surely you can understand that.

Last week the Premier was forced to admit he had made a huge mistake and had screwed up the environment. Today the auditor is telling you that you are making a huge mistake; you're screwing up the ambulance services. I'll give you a recommendation. I know you don't like to admit you are wrong. Will you today commission an independent study to look at this to confirm what every other study has said, and then will you then acknowledge that you have made a mistake and reverse this decision to avoid people dying? That is what people are warning you about. Will you do that? Will you commission an independent study to look at this, so you can save some face when the independent study tells you to do what every other study has told you to do, and reverse your decision?

Hon Mrs Witmer: I remind the member opposite one more time that the province never did run the ambulance service. I also remind the member opposite that the auditor did his report in March this year—and we very much appreciate the work that was done—but I hasten to add that since that time we have been working together very co-operatively with the municipalities. Since that time we have reached an agreement on a funding template for ambulance costs, we have transferred \$30 million and we are prepared to invest whatever else is needed to ensure we have in place the standards necessary to ensure the best possible delivery of ambulance services.

I also hasten to add that 30% of the municipalities have already successfully assumed responsibility for ambulance provision, and this is ahead of schedule.

ENVIRONMENTAL PROTECTION

Mr James J. Bradley (St Catharines): I have a question for the Minister of the Environment. Last week the Provincial Auditor confirmed the worst fears of environmentalists in this province, the opposition and, I think, a growing segment of the population of Ontario when he revealed that deep cuts to Ministry of the Environment staff under the Harris Conservative government have severely damaged the provincial government's ability to deal with serious environmental problems in this province. I quote from what he says:

"We noted that there had been a significant reduction in ministry-initiated inspections since 1996. While regional staff was reduced by over 25% during this period, ministry-initiated inspections decreased by 34%. From 1995-96 to 1999-2000, ministry-initiated inspections of hazardous and liquid industrial waste sites declined from about 2,000 to 1,190 per year. Similarly, inspections of municipal water treatment plants declined by over half, from over 400 to about 190 per year over the past five years."

I ask the minister, in light of what the Provincial Auditor has said, will he now admit that the enormous funding and staff cuts to the Ministry of the Environment made a tragedy such as Walkerton almost a certainty, and will he now commit to restoring the full staff and the full funding to that ministry?

Hon Dan Newman (Minister of the Environment): I'd like to thank the Provincial Auditor for his report. We take his concerns and recommendations very seriously on this side of the House. His input has been an important part of ensuring the environment gets the best possible protection it can.

Right now, Ministry of the Environment staff are carefully reviewing the Provincial Auditor's recommendations to determine areas where we can do even better. In fact, the ministry is already working to address the auditor's recommendations and we have implemented an aggressive action plan with set timelines to address all of the auditor's recommendations. We're looking at new and innovative ways to improve environmental protection. The auditor's report recognizes the value of our own in-depth review to improve actions and procedures.

Mr Bradley: The auditor talks as well about an internal review that you had that confirmed what he found out.

"The internal review determined that in 69 of the 100 inspection reports reviewed, violations were identified, including 22 considered significant by the ministry. However, enforcement actions taken included only one control order issued and no fines or charges. In 19 cases, the environmental officer requested that the facility operator provide a voluntary abatement action plan; however, only one plan was actually received.

"In addition, the internal assessment noted that approximately one third of all violations identified were repeat violations."

He also said that "the ministry's assessment of its inspection program conducted during 1999 considered as minor 51 of the 58 violation types noted. Violations considered to be minor included failure to take or report samples of effluent or water quality, use of an uncertified operator, lack of a contingency plan should systems fail and the operation of water and sewage facilities not in accordance with the approval specifications."

Minister, does not this weak-kneed, half-hearted, dismal record of enforcing Ontario's environmental laws, confirmed by the Provincial Auditor, confirm that the Harris government has neither the staff nor the will to confront polluters in this province?

Hon Mr Newman: The point I wanted to make today is the fact that we do have a total review of the Ministry of the Environment underway right now, headed up by Val Gibbons, who is a well-respected management consultant and former civil servant within the province of Ontario, to thoroughly review ministry operations and to recommend ways to improve the efficiency and effectiveness of all the programs within the Ministry of the Environment.

Let's hear what the auditor also had to say in 1987, when the member opposite was the Minister of the Environment. He said, "In our review of six districts covering two regions, we observed that in four districts there were no control logs or summary records of complaints received, nor reports on the status of complaints." The Provincial Auditor goes on, "There were 15 instances where no evidence existed that the complaint was addressed. In one instance, the complaint reported an unknown substance spilling into a lake," and in another case an incident of dumping and burying toxic waste was reported.

Mr Bradley: I don't know whether it's the lack of staff or the lack of will that the auditor has identified, but it was revealed this week that you have broken a promise made by the Honourable Norm Sterling, a promise made to Dr Harry Parrott, a Conservative; Ruth Grier, a Democratic Party former environment minister, and myself. We wrote a letter to Norm Sterling, the Minister of the Environment of the day, asking that Dombind, a toxic material, no longer be allowed to be applied to roads as a dust suppressant. Norm Sterling wrote back to us and said, "I agree with you three," and by the end of the spreading in the year 2000—that's by the end of November—we will no longer allow the use of this toxic material on roads.

You broke that promise. You kept one promise—to get the Ministry of the Environment out of polluters' faces—but you have now given this company two additional years to allow this toxic substance to be applied to the roads of Ontario. Why do you not live up to the promise made by Norm Sterling, and why do you not end the use of this dust suppressant with dioxin in it on the roads of Ontario?

Hon Mr Newman: The government is indeed concerned about the use of Dombind as a road dust suppressant. That's why we're committed to seeing it phased out. Since Dombind will not be used as a dust suppressant in the very near future, Norampac, which is the company that produces Dombind, is currently developing alternatives.

We have indicated to the company that their proposed phase-out period was too slow and too unacceptable. We've indicated that the proposed time frame needed to be reduced. Right now the company is in negotiations with the suppliers of their new technology, and it would be inappropriate to discuss the new technology and the proposed time frames for implementation.

This is not an extension. It is a proposal to stop the spreading of Dombind after the year 2002. We've told the company that they must begin the implementation strategy today. If by tomorrow the company has not ordered the new technology confirming that it is proceeding with the implementation, the company will be in non-compliance with the 1999 director's order and will be—

The Speaker (Hon Gary Carr): The minister's time is up.

EMERGENCY SERVICES

Ms Frances Lankin (Beaches-East York): To the Minister of Health: today's dramatic news out of Hamilton only serves to underscore that your handling of emergency and ambulance services in Hamilton and across the province has been nothing less than disaster on wheels. Dr Frank Baillie, medical director for Ontario CritiCall resources registry, is reported as saying that the emergency system in Hamilton has gone into meltdown mode.

His report says the situation is worse than ever. For two terrifying days last month, this report shows that there were no more beds, no more heart monitors, no more nurses to call in and no more room in the hallways for overflow patients in any of Hamilton's four hospitals. I can imagine how you must feel morning after morning, seeing the screaming headlines declaring your government's failure on this issue, but can you imagine how the parents of a small child must feel, knowing they may be turned away because the ambulances can't get in, that it may mean their child's life?

Minister, why is it that after more than two years of announcements that you've fixed this problem, the situation in Hamilton could be described as going into meltdown mode?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member of the third party knows, the situation related to emergency pressures certainly has not been unique to us in Ontario and it has not been unique to any province or territory in Canada. It is a situation that is being experienced worldwide.

In 1998 we began to address the situation because there had been terrible neglect up until that time. We put

a task force together. The task force made recommendations. Since 1998, we have been moving forward to ensure that we can meet those emergency room pressures. We've actually invested some \$725 million. We have expanded home care services. We are building 20,000 additional long-term-care beds. We have introduced alternative funding plans for physicians. We have added additional nurses, all in—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

Ms Lankin: I have heard that answer before, but the problem is that the situation is getting worse out there. Emergency rooms have always been busy during the flu season, but emergency rooms in Hamilton, in Toronto, in the GTA and in other centres are in a crisis year-round now. There are reports of patients being yanked off heart monitors to provide the heart monitor to someone else. Hospitals in Hamilton turned away ambulances 41% of the time in October and early November. That's a new record, Minister. Experts before the Fleuelling coroner's inquest told you that the rapid decline in emergency services began in 1996 and is now at a crisis proportion, and it's going to get worse. How many ambulances are going to be lined up outside our hospitals with critically ill patients, unable to unload them?

Minister, are you going to stand today and tell Hamiltonians not to worry about what could mean a life-and-death situation to them or their loved ones?

1410

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): Despite what the member opposite says, the situation unfortunately has been ongoing for a long time. I'd just like to share with the member some quotes. One of them is a quote from the Toronto Star on November 21, 1993. This relates to the Port Arthur hospital in Thunder Bay. "The best way to sum it up is now we're forced to give a level of care I'm not proud of. We were told we had to cut back so we closed beds. It didn't work because we ended up with people sitting in emergency having heart attacks."

It says in the Toronto Star, November 21, 1993, "Don't get sick over Christmas," regarding ER overcrowding at the Ajax-Pickering hospital. Again, a nurse at Hamilton Civic Hospital, Judy Morphet, on November 21, 1993, said in the Toronto Star, on being unable to treat people because of lack of ER—

The Speaker: Order. I'm afraid the minister's time is up.

Ms Lankin: Minister, I don't understand how you can day after day ignore what the experts are saying. The trends that began in 1996 and have continued to spiral downward in terms of emergency services come nowhere near to paralleling situations that existed in the time periods that you keep referring to.

Dr Baillie's report says that this increase in critical care bypasses is occurring not just in Hamilton but in Toronto. We've been telling you that for months. I've been telling you about ambulances lined up, waiting up to 45 minutes to off-load patients. I've told you about

dispatchers' calls backing up on their desks. I've been telling you this; the auditor has now confirmed it; experts before the Fleuelling inquest confirmed it; the jury's recommendations confirmed it. Minister, you're still talking as though it's not a crisis.

You've had recommendations from the Fleuelling jury for over a week now. You know that on two occasions in those recommendations they called on you to consider an immediate moratorium on further hospital and hospital bed closures. Will you today announce an immediate moratorium on all further hospital and hospital bed closures?

Hon Mrs Witmer: I'd like to respond in two ways. First of all, I think the member opposite is being quite selective, because if she wants to go back to the Fleuelling inquest, the preamble to the jury stated this:

"We learned that the problems currently being encountered in the delivery of health care services are not unique to this city or province but, in fact, are evident in many jurisdictions worldwide.

"The problems are systemic in nature and are not easily solved. These problems have developed over a period of time."

That's what they said at the Fleuelling inquest, for your information.

Furthermore, our government has been working forward with a plan since 1998 because your government, for example, chose not to build any long-term-care beds, and the Liberals stopped building them in 1998. But we have added money recently to open over 1,200 new beds across this province. And I—

The Speaker: Order. The minister's time is up.

UNIVERSITY LABOUR DISPUTE

Ms Frances Lankin (Beaches-East York): My question is to the Minister of Colleges and Universities. I want to ask you to take responsibility for keeping York University students out of classes for four weeks and teaching assistants on strike. You have taken the unprecedented step, for a government, of pressuring a university to strip away tuition protection in order to promote your agenda with respect to post-secondary education. You slashed \$1.4 billion in operating funds, you deregulated tuition, you forced tuitions to increase by 60%, and you forced student debt to double.

At York, you want to sink teaching assistants below poverty wages by stripping their tuition protection. As it stands, TAs earn \$850 a month. When you subtract the tuition they pay, they are left with \$700 a month to live. You want them to earn even less. How can you justify pressuring York to take tuition protection away? That's the sticking point in these negotiations. How can you defend actions that have kept students out of classes and away from their TAs for weeks now?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): I wish the honourable member actually hadn't read that note, because it's not factual. Our government is spending more than ever on

our universities and colleges. Our focus has been to put the money into supporting students and accessibility—I could go through the list. We're getting ready for 88,000 new students, and we've spent \$1.8 billion along with our private sector partners. I would like to chat with the member later and clarify what she is talking about, because if this is what she believes, then no wonder people are upset.

With respect to York University, the member knows, because she was a minister herself, that universities are autonomous institutions, and I don't think she wants me to get involved in this. I would like to hear further from her with regard to what the real problem is. They're autonomous and have to deal with their labour relations, and that would be my expectation, knowing my colleague in the opposition.

Ms Lankin: Minister, the problem is that everyone in the York community believes—and it's been reported in the newspapers—that your government has interfered. Of course we don't want you to; we want you to get out of the way of a settlement.

These workers are fighting for their survival. If your government has intervened, you're forcing a situation where they will be left to live on less than \$700 a month, and those are poverty wages.

You like to talk about the brain drain, Minister, but you refuse to face the hemorrhage this situation is causing. We need to retain and support the brightest and most hard-working of our university students, these TAs.

If you honestly deny that you're pressuring York University to strip tuition protection from TAs, will you make a public statement promising the government will not interfere in Ontario's university negotiations? Will you issue a public statement to the York University community that the government has no opinion about tuition protection or any other item in the collective agreement of the teaching assistants?

Hon Mrs Cunningham: This is not a problem. We're not involved in this dispute in any way. I don't want to comment on anything that has anything to do with people working together to get an agreement. It is as simple as that.

SERVICES FOR ABUSED WOMEN

Mrs Marie Bountrogianni (Hamilton Mountain): My question today is for the minister responsible for women's issues. In September the cross-sectoral strategy group came to Queen's Park demanding action on a list of emergency measures. These demands were the compromise position reached by over 125 women's groups from across the province who work on the front line dealing with all aspects of violence against women.

My leader, Dalton McGuinty, was proud to sign his support of the emergency measures initiative at the meeting. He and the Liberal caucus understand the urgency of this issue. We understand that the lack of action from your government is costing women and children their lives.

I travelled to Sarnia on Saturday and visited the interval house there with my colleague Caroline Di Cocco.

Interjection.

Mrs Bountrogianni: Do you feel better now? May I continue?

The staff told us of the desperation women are feeling at their inability to escape their abusers. They told us about how the cuts in funding have affected programs and their ability to assist women to change their situation.

We all know the dire statistics in Ontario, but we don't know the unreported stories. In Sarnia on Saturday we learned that two women recently committed suicide because they couldn't escape. There was nowhere for them to go. This past month a 10-year-old boy, a witness to his mother's abuse, stated, "I'm not taking this any more." As his father beat his mother, he climbed the stairs to his bedroom and hanged himself. He was 10 years old. I am powerless to more completely convey to you, other than through this example, how monumental this issue is. Violence against women is tearing apart the very fabric of our society inside our homes, inside our families, inside the women and children who are its victims.

I call upon the minister to commit to the emergency measures brought to the attention—

The Speaker (Hon Gary Carr): Order. I'm afraid the member's time is up. Minister?

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): May I say that this government will not tolerate violence against women and their children. In fact, we have put forward a number of initiatives that show our commitment to that.

I remind the member opposite that at the Ministry of Community and Social Services the funding has increased in that ministry for programs that relate to violence against women. Overall, across the government, the funding has increased.

1420

In 1994-95 there was about \$100 million being spent on funding. Now we're up to \$135 million. We intend to move to \$145 million. But those big dollars aren't the thing that's most important. In the budget that was just announced recently there was \$5 million put aside for children who have viewed domestic violence so it will help them. We also put \$5 million to ensure that women who needed counselling had that counselling. We're putting our money where—

The Speaker: Order. The minister's time is up. Supplementary.

Mrs Bountrogianni: Minister, what you have done is taken money from front-line services to fund those other initiatives. That is what we are protesting. We're not protesting the new initiatives. We are—

Mr Frank Mazzilli (London-Fanshawe): What's the solution?

Mrs Bountrogianni: Why don't we get together and talk about the solution? First of all, reinstate the 5% you cut to these centres. They have been laying people off.

Let me quote from a letter from the Attorney General, "The goal of the new legislation (Bill 117) is to better protect victims and prevent further violence." We're not against this legislation. However, 75% of women who are abused do not approach the system. We are talking about those women who approach the shelters. Again, what we learned in Sarnia in the sexual assault centre is that the settlement of immigrant women funding was cut. Six months before that funding was cut, \$30,000 worth of computer equipment was sent to that program. Now it's just sitting there. That money could have funded the counsellors to help these immigrant women who can't speak English and have suffered abuse.

Minister, will you live up to your responsibility and take definitive action on this issue? Will you do that?

Hon Mrs Johns: I'd like to thank the member opposite for the question, and let me say we are taking definitive action. We're doing what we believe is necessary to ensure that women are safe in the province of Ontario. My colleague the Attorney General has made a substantial increase in domestic court services and the ability to help women to get through the process quickly. My colleague the Minister of Community and Social Services has invested more and more money into programs that affect women who are suffering from domestic assault and violence.

We continue to do many programs because we believe that this is an important issue in society. When we met with the women last week who are associated with the group the member opposite is talking about, we promised to work on a few of the initiatives they've brought forward because we thought they would make a difference in the lives of women who are suffering from domestic assault.

It's our commitment to keep working on this because we need to stop—we will not tolerate—violence against women in the province of Ontario.

SOCIAL ASSISTANCE

Mr R. Gary Stewart (Peterborough): My question is to the Minister of Community and Social Services. Minister, recently you claimed to be winning the battle against welfare fraud. With your latest report to taxpayers, I see that another 557 people were convicted of welfare fraud. It's difficult to imagine that with all the fraud initiatives undertaken by our government, fraud continues in this province.

Minister, with all the work our government has done to crack down on fraud, do you believe we are getting the type of return we expected for all our efforts?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): This government continues to take the policy that no fraud is good within our social system, that every dollar appropriated by the Legislative Assembly of

Ontario is designed to support more and more people who are needy and not there for those who are greedy.

I know the members opposite, Dalton McGuinty and the Ontario Liberal Party, don't agree with our crackdown on welfare fraud. They have opposed every single welfare fraud initiative that we've undertaken, and they've been very clear. They've said they don't agree with our welfare fraud policies.

I want to tell you about one success story. We instituted a Crime Stoppers-type effort to combat welfare fraud, for a rather modest expenditure of about \$200,000 a year. Two years ago we were able to save \$9 million from our welfare system, \$6.9 million the year after and this year's welfare fraud report announced that we were able to save more than \$6 million. The hard-working officials at the Ministry of Community and Social Services fraud control unit are doing an absolutely outstanding job.

Interjections.

Mr Stewart: It's interesting to hear the comments from the opposition. I assume by those comments that they condone and support fraud. I have a great deal of difficulty with that.

Minister, one of the more striking pieces in your news release last week is that your ministry found another group of people in jail collecting welfare. This is one of those injustices that I believe all Ontario taxpayers can agree needs to be eliminated. That is why we are really surprised to see that there was another 7,000 inmates collecting welfare. This government has been in power for over five years now. Why does this problem persist?

Hon Mr Baird: We continue to clamp down on fraud abuse and misuse of the welfare system at every corner. The member opposite is right. This year, we did find more than 7,100 people in our jail system collecting welfare.

Interjections.

Hon Mr Baird: I know that pains the members of the Liberal Party. They disagree with combatting welfare fraud. They are even howling when we're combatting welfare fraud in the jail system.

This government doesn't believe in double-dipping, whether you're double-dipping on a pension plan or whether you're double-dipping collecting a cheque from the Ministry of Community and Social Services and my colleague the Minister of Corrections, so we put an end to the double-dipping. The right hand finally knows what the left hand is doing. That effort is saving literally tens of millions of dollars in future avoided costs. We're able to help priority services like children, like autism, like helping those who are genuinely in need and not those who are motivated by greed.

HIGHWAY 407

Mr Bruce Crozier (Essex): My question's for the Minister of Transport. Minister, in spring of this year, two constituents of mine, Luc and Rosine Mailloux travelled the 407. Unfamiliar with the billing procedure

on the 407, they subsequently received some mail from the 407 with the letters ETR partially stricken out by a flash of yellow. These letters meant nothing to them. After receiving several over a period of a couple of months and being unfamiliar with the billing system, they opened one of the letters, found that they had to pay for their trip on the 407 plus some interest. So they paid it on September 28; they paid it in full.

On October 20, almost a month later, they received a bill from the 407 for \$32, all of which would have been interest. This is after they'd paid their bill on September 28. Upon calling the ETR hotline, they were told, "Too bad. Your bill is in collection." Minister, do you think that the Maillouxes are being treated fairly, and will you help them with this problem?

Hon David Turnbull (Minister of Transportation): Obviously I'd have to know some more details about it. Clearly, if they have paid their bill on time, then there's something wrong, and there is an appeal process that was put in place. I look forward to receiving some details and dates from the member and we will investigate it.

Mr Crozier: Minister, I'll do that. Obviously the 407's billing system is screwed up, because I shouldn't have to bring it to your attention. But I will provide you with the details. I will provide you with where they paid that bill as of September 28 and I will provide you with a copy of the billing they received almost a month later.

Hon Mr Turnbull: I certainly look forward to receiving the information and we'll give you a report back on that.

1430

MUNICIPAL ELECTIONS

Mr John O'Toole (Durham): My question is to the Minister of Municipal Affairs and Housing. Minister, as we all know, today is election day in Canada. As a reminder, the American election demonstrates just how important the individual ballot really is.

During this past municipal election, it was brought to my attention that some of my Durham riding constituents were experiencing problems with the newly introduced vote-by-mail procedure. These problems could place the integrity of the entire election process at risk. Minister with concerns raised about this procedure, could you please explain to the House how it is that some municipalities are using vote-by-mail while other municipalities choose not to use that method?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I thank the honourable member for the question. I suppose we should thank our lucky stars that Chad didn't get pregnant in Ontario. There have been no instances of butterfly ballots either.

The Municipal Elections Act is founded on a number of guiding principles, one of which is that the conduct of the municipal election is the responsibility of the individual municipalities. The municipal council has the choice of how it conducts the election, but surely it has to be in the best interests of the electors. There are a number

of procedures that are described in the act, such as traditional polling-place election, but municipalities are given the opportunity to select an alternative voting system. But any system they select, be it by phone, by mail or by another method, has to be consistent with the principles embodied in the act.

Mr O'Toole: Thank you for that very informative response. Just to add to that, you can thank your lucky stars and stripes. However, in my riding concerns were raised by some of the candidates, like Willy Woo, Mark Hendriks and Troy Young, about the vote by mail. There were concerns that this process allowed room for both campaign workers and the public to tamper with ballots—imagine that—voting in the names of persons other than themselves or perhaps even influencing the votes. These are indeed serious allegations.

There were cases of mail-in ballots sent to people who were no longer alive—you'd think this was Nova Scotia—and to those who had moved. Some people received more than one ballot. I'd like to get more information about how this was able to happen in Ontario today.

Hon Mr Clement: I am concerned about the details the honourable member has described to this House. Obviously, all of us want to see elections that are impartial, fair and neutrally counted. I can tell you that in the case of municipalities, the names are found on the Ontario Property Assessment Corp list, and that they are to make every effort to ensure that only eligible electors' names appear on the voters' list. But of course they have to depend in large part on the electors themselves to update the list. In that regard, electors have a significant role to play. They are given a number of opportunities to review and correct the voters' list before the ballots are issued, and they are asked to correct any information they know to be incorrect at the time of that particular enumeration. So there are some ways in the system to protect the validity and credibility of the electors' list. If there are some problems, then clearly the municipality should work with the electors to ensure a better job is done next time.

SPEECH-LANGUAGE SERVICES

Ms Marilyn Churley (Toronto-Danforth): I have a question for the Minister of Health. I am asking this question on behalf of my constituents Lesley and Scott Ballantyne-Smith. Their son Cameron needs speech therapy for articulation problems. He was receiving services from September 1999 until January 2000 through the local school board. However, that ended because the school board no longer had a speech therapist, and they were given the option of getting help through the CCAC. That too has not worked out, even though Cameron has been on the waiting list since December 14, 1999.

Cameron is in grade 2 and is a bright child, but he is falling further and further behind with his reading and writing because he is not receiving the services he needs.

I wrote you a letter about this, but received only a form letter back from you, outlining funds you had put into the system here and there. But there was nothing in that letter that spoke directly to solving Cameron's problem. Minister, I ask you today: will you ask your staff to work with Cameron's parents to find an immediate solution before it is too late for Cameron?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member knows, issues related to special needs are dealt with through the CCACs. The educational system is involved as well in meeting the needs of those children. We have a pre-school speech and language program which is funded through the Ministry of Health. As you know, that has been expanded in recent years in order to ensure that young children can be identified and provided with the appropriate level of support as early as possible. But again, all those programs are administered by others. We at the Ministry of Health make the money available and it is flowed to the appropriate agency, and then the decisions are made as to how the money flows to the children and adults who need the special support.

Ms Churley: Minister, that's my whole point. The children are not getting the services they need, and you fund the CCACs.

Cameron is now in serious jeopardy of being put back a grade. This is affecting his self-esteem and is causing increased frustration. The longer he has to wait, the more difficult it will be to treat the disorder. Early therapeutic intervention is absolutely critical, as bad habits are less firmly established and can be more easily corrected. There is a serious potential for Cameron's speech problem to affect his social and emotional development. His academic development has already been negatively affected. His parents are doing everything they can to assist him, but they are not experts and they cannot afford to pay for private services that cost approximately \$125 per hour.

This child desperately needs help. So I'm asking you now again, Minister, will you agree to pay for a speech therapist until an opening comes up at the local CCAC, or, failing that, will you take it upon yourself to find a spot for Cameron before it is too late for him?

Hon Mrs Witmer: Our government has actually put in place and committed a substantial amount of money in recent years, because we do certainly appreciate that if we can give young children the best start in life, we know that they are going to have more chance of academic success, they are going to have fewer health problems, and there's less likelihood of getting into trouble with the law. So we have introduced two programs—the Healthy Babies, Healthy Children initiative; we are now supplying about \$67 million in funding, and it works through the public health. We also have pre-school speech and language, which I indicated to the member is available. Money is also made available through the local community care access centres. Again I would indicate that the decisions regarding how the money is allocated are made by local agencies in response to local needs.

HIGHWAY SAFETY

Mr Pat Hoy (Chatham-Kent Essex): My question is to the Minister of Transportation. Last month, you reported on the long-awaited expansion of Highway 401. Your staff went into denial mode the next day, correcting the wrong impression you gave the trade corridor conference.

When I asked you a question, you got up and blustered about my flawed research. I sent your remarks to me to a reporter in southwestern Ontario. The reporter has you on tape at the conference and said some rather uncomplimentary things about your denial. This is a recurring problem, Minister. You never seem to say quite what you mean. Now the record is clear.

My question: you refuse to commit to any expansion through Carnage Alley, even though it may turn into Garbage Alley. You refuse to commit to a centre median beyond Tilbury, even though Tilbury to London has the most fatalities and crossovers. You refuse to put paved level shoulders on both sides of the highway to protect motorists.

Dalton McGuinty has called for photo radar on Carnage Alley and wants the money to be used for more police. Will you implement photo radar at least as a pilot project on Carnage Alley?

Hon David Turnbull (Minister of Transportation): It's very interesting. Let me read what Dalton McGuinty said in the last election: "I'm saying it's not a priority. It's not in the plans. I have no intention of putting it forward. Maybe in 10 years from now by all means." Dalton McGuinty is a guy who's got more positions than the Kama Sutra.

The fact is that 90% of all the dangerous driving practices are not caught by photo radar. Traditional enforcement is the best way. We've got to address rapid lane changes, tailgating, and drinking and driving. Photo radar does not address this. There are no demerit points, no—

The Speaker (Hon Gary Carr): Order. The minister's time is up. Supplementary.

Mr Hoy: Minister, you have already allowed red light cameras, not because of safety but because of public pressure. Public safety never seems to come first.

Two recent coroners' juries investigating the horrific deaths in Carnage Alley called for photo radar. My own survey of over 5,000 confirms what a past province-wide survey said: more than 60% of Ontarians favour photo radar. The London Free Press and the Windsor Star have both done editorials calling for photo radar. If you won't implement photo radar for safety reasons, will you put aside your ideological excuses and implement photo radar because the public clearly wants it to improve safety on our highways?

Hon Mr Turnbull: As I've said, it doesn't address 90% of aggressive driving: rapid lane changes, tailgating and drinking and driving. You're obviously not interested in that. We are interested in it.

Let me further say what Jim Bradley said a little while ago: "I simply believe that the primary purpose of photo radar is without a doubt to get money for the Ontario government." We don't agree with it. We believe in proper enforcement. That's why we've increased policing on that stretch of the highway, and it's working.

1440

LIVING LEGACY

Mrs Tina R. Molinari (Thornhill): My question is for the Minister of Natural Resources. I hear consistently from many of my constituents in Thornhill that they are very concerned about the state of Ontario's natural environment. I'm pleased to tell them about our government's proactive stance on these issues.

Minister, I understand at the Don Valley brickworks last Thursday you and the Premier made a rather substantial commitment to implement the existing mandate of Ontario's Living Legacy, the largest single expansion of parks and protected areas in Ontario's history, and to expand upon that mandate as well. While Ontario's Living Legacy allows for 378 new parks and protected areas, bringing to 650 the number of parks and protected areas across the province, an area about the size of all of Ontario south of Algonquin Park, I understand last week's announcement allowed for further protection down in southern Ontario. Minister, can you tell us more about this expansion?

Hon John Snobelen (Minister of Natural Resources): I thank the member for Thornhill for the question. I was very pleased to participate in the announcement last week. Over a year ago, the Premier announced the largest-ever expansion of parks in the history of Ontario.

Last week we made an announcement that was over \$100 million to make this a reality and to take the Living Legacy and spread it to southern Ontario. It was a fabulous announcement.

The member asks about some of the land acquisition in southern Ontario. We now have an ecological land acquisition program, which we've cleverly called ELAP.

Interjections.

Hon Mr Snobelen: All of the members now have the one, Mr Speaker. That will help us acquire ecologically significant lands in southern Ontario and add to Ontario's Living Legacy.

Mrs Molinari: I appreciate that Ontario's Living Legacy is expanding beyond its original goals and is now poised to grow in scope, to reach down into southern Ontario.

Now we know how the area of Living Legacy has grown, I understand the mandate of Living Legacy has grown as well. For instance, on Thursday there was mention of a new commitment to youth programs. That was of particular interest to me as over a hundred young people in my riding of Thornhill are involved in a new scouting program. They are the first Four Arrows Bader Powell Wilderness Group, and they are working with the

Ministry of Natural Resources to adopt a forest for stewardship in the Parry Sound area.

We know the purpose of Ontario's Living Legacy is to ensure the natural beauty of all we take for granted is there for future generations to enjoy. Can you tell us how, with last week's announcement, you are involving young people in making the Living Legacy a reality and how even more young people from my riding can become involved?

Hon Mr Snobelen: Again, I thank the member from Thornhill for the question. At the announcement last week, the Premier was joined by young people from across Ontario who had participated in the Ontario Rangers program or the Ontario stewardship rangers program. Part of the announcement was a \$10-million fund for youth employment this year and \$10 million next year, so we can get more of Ontario's youth involved in creating this Living Legacy for future generations. Those programs include Ontario Rangers, which has been around for decades; a new program called Ontario stewardship rangers so that young people from urban areas can help with the rivers, watersheds and natural resources in their local areas, and the internship program, a co-op program for young people.

In answer to the member's question, for those who have access to the Internet, we have www.youth-jobs.gov.on.ca, and for those like the Minister of Labour who cannot yet access the Internet, we have 1-888-JOBGROW.

MINISTRY OF CORRECTIONAL SERVICES CONTRACT

Mr Dave Levac (Brant): My question is for the Minister of Correctional Services. Recently the Provincial Auditor pointed out that your ministry paid the operator of Project Turnaround, a youth offender boot camp in Barrie, \$400,000 over and above the agreed amount specified in the signed contract between the operator and the ministry. The auditor also points out that the contract did not reveal any provisions for payouts beyond the contract price.

It would appear to me that the contract is a contract, and it was signed by the Ministry of Correctional Services. Why did this happen, Minister? Would you describe an adjustment of almost a half-million dollars as financially responsible?

Hon Rob Sampson (Minister of Correctional Services): I say to the member opposite that I thank him very much for the question because it allows me an opportunity to clarify what exactly we did with that particular expenditure.

We did pay that money out because it was our obligation to provide the operator with a safe and secure environment to operate the correctional facility in. This government takes its commitment to provide safe and secure institutions very seriously.

Our commitment and our obligation to the operator of that facility was to provide a safe and secure institution,

and where it was indicated that we had to spend money to maintain that facility so that it was safe and secure, we honoured our commitment. We put our money where our mouth was because that's our commitment to public safety in this province: to make sure we have safe and secure institutions for all of the institutions across the province, whether they be adult offenders or young offenders and no matter who's operating them.

Mr Levac: It's interesting that a contract isn't a contract. It simply means now that if you want to spend more money, you just have to go to the minister and he'll fill the bill. I'm very concerned about what's going to happen in the privatized situation, where these people are making it for-profit.

Mr Minister, the Auditor General also points out that your ministry was overpaying the contractor of Camp Turnaround by \$24,000 per year for after-care services, that is, verifying invoices against what the contract has coming. The error was apparently continued until the auditor found it and brought it to your attention, and then you finally stopped it.

What's going to stop you from doing that with the privateers? Are you going to wait for them to build up a million dollars before you have to pay them back? Minister, do you not consider that the overpayments of this kind are financially acceptable procedures in order to rectify this situation? How are you going to get those funds back from a privateer?

Hon Mr Sampson: I thank the member for the question. The \$24,000 payment he's talking about was indeed corrected, that's correct. It was a challenge with this ministry to follow all of the after-care programs that that particular provider was providing. We were prepared to ensure that those payments were made where appropriate, and where they weren't appropriate, we've stopped those payments.

But as it relates to the security upgrades, the member says he can't find an obligation for us to do that in the contract. That's because that's an operating contract. I say to the member opposite, before you delve down this road of commenting and criticizing operating contracts and ownership contracts, why don't you take two seconds and try to understand what exactly it is you're speaking to.

PROPERTY TAXATION

Mr Ted Chudleigh (Halton): My question is to the Minister of Finance. Many of my constituents have recently received a property value reassessment notice in the mail. In most cases the assessed value of their homes has shown an increase. Many homeowners are worried that, as a result, they will see substantial increases in their property tax bills.

Minister, are property tax bills going to go up as a result of these higher assessments?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): First of all, there's two things that comprise people's real estate taxes. One is the assessment on your

property, the other of course is the tax rate or the mill rate that's applied to them. For example, in a particular municipality, if assessments have gone up 20%, on average, the municipality can raise next year exactly the same amount of revenue it raised this year by lowering the tax rate or the mill rate by 20%. It would net them the same amount of revenue. So because your assessment has gone up does not mean that your tax bill is going to go up.

If the municipality wants to generate more revenue than it's spending this year or if it wants to spend more revenue next year, then that's a decision for each municipality to make and they have to be accountable for it.

1450

Mr Chudleigh: I appreciate your answer. I'd also like to ask, on behalf of several of my constituents, how the value of their property assessment was arrived at and what actions they can take if they disagree with that assessment.

Hon Mr Eves: First of all, the assessment notices that individuals and businesses are receiving now were calculated by the current value as of June 30, 1999. They were calculated by the Ontario Property Assessment Corp, which has been municipally owned and operated since December 17, 1998. That's how that has happened. That's the amount people will be paying taxes on in the calendar years 2001 and 2002. They're responsible for property assessment. It used to be the responsibility of the provincial government. It has been taken over by the municipalities in Ontario. If an individual disagrees with his or her assessment, they can simply file an appeal, in the appropriate period of time, to their assessment notice.

HOMELESSNESS

Ms Marilyn Churley (Toronto-Danforth): I have a question for the Minister of Housing. I wonder if he's still available.

The Speaker (Hon Gary Carr): Very quickly, if somebody could grab the Minister of Housing. Here he comes. Proceed.

Applause.

Ms Churley: Thank you very much for that applause.

Minister, 17 homeless people who live on the waterfront have been given a 17-day reprieve from eviction. But the Ministry of the Environment still wants to evict them because it's worried about the health effects of an environmental contaminant near the site, as are we. The ministry says living on the waterfront is hazardous to the health of the homeless people living there. But everybody knows that being homeless, whether you sleep in a shelter or on the street, is hazardous to your health. Medical studies have shown that homelessness kills people, and we've seen the tragic evidence here in Toronto on our streets. When are you going to treat that health threat seriously and find those homeless people some real housing?

Hon Tony Clement (Minister of Municipal Affairs and Housing): As the honourable member has correctly alluded to, this is a multi-faceted issue. No one wants to see persons who have no other choice but to live on the streets. That is not only an issue of housing, it's an issue of health care, it's an issue of socio-economic status and it's an issue of mental health, which is precisely why my colleague, the Honourable Elizabeth Witmer, has announced the next phase of mental health supports for those who are homeless or at risk of being homeless. This is precisely why that part of the formulation has to be taken into account.

But I would agree with the honourable member that issues of health and safety have to come first, which is precisely why just two weeks ago I and Minister Baird announced, on behalf of the government, that Princess Margaret Hospital was going to be opened for those who are homeless or at risk of being homeless.

Ms Churley: It seems like opening homeless shelters is the only game in town right now, and that just isn't good enough. Your housing policy doesn't build any new housing. In fact, your gutting of rent control has led to people losing their homes. It's just wonderful to watch how the federal Liberals and the Conservatives dance together on this issue. The Liberals offer housing subsidies contingent on the province paying half, but if the Liberals were serious—they know you're not going to pay your share of that—they should put up the full amount themselves.

When are you going to realize that your aversion to building housing is costing people their lives? What is it going to take? How many more dead bodies do we have to see on the streets of Toronto before you change your policy on housing and actually build some desperately needed housing in this province?

Hon Mr Clement: In fact, we have changed the old, failed policies of the NDP government when it came to affordable housing. It was called not-for-profit housing, but the lawyers made a profit and the architects made a profit and the planners made a profit, and it was not the best way to provide the kind of affordable housing that we need for our citizens.

I would agree with the honourable member that a long-term approach is needed, which is why we've changed the building code for the better, why we've reduced the cost of construction materials for affordable housing.

If the honourable member feels as strongly as she does, which she does on this issue—I agree with her—let's, she and I, work together to convince the federal Liberal government, which is in office for the next day or so, that it is time for a long-term, meaningful strategy; not quick fixes, not a little money here or there just to stem the bubbling tide, but long-term fixes that are going to fix the problem through the tax code, through the proper incentives to build the affordable housing that we had even 20 years ago in this country. I'm quite willing to work with the caucus to get that done.

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): This is a petition to the Ontario Legislature and it deals with northerners demanding the Harris government eliminate the health care apartheid and the discrimination they're practising in the province of Ontario today.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation"—that's discrimination;

"Whereas a cancer tumour knows no health travel policy or geographic location"—and that's a fact;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding" and are against health care apartheid;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we," the people who have signed this petition, "support the efforts of ... OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, northeast region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid and the discrimination which exists presently in the province of Ontario."

Of course I agree with this petition and affix my signature to it.

VETERINARY SERVICES

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the member for Hastings, Glengarry, Frontenac and Addington.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): It's Hastings-Frontenac-Lennox and Addington.

"To the Legislative Assembly of Ontario:

"Whereas the north Hastings community of Bancroft and the surrounding area is a predominantly rural geographic area that faces many of the same challenges that northern communities contend with, whereby the role of livestock plays a significant part of that economy; and

"Whereas the community is experiencing a crisis due to the fact that their veterinarian for large animals has indicated he can no longer provide services to the

Bancroft area, and there are no immediate alternatives for animal care within their geographic area; and

"Whereas the only known incentive program for veterinarians is funded through the Ministry of Northern Affairs and Development;

"We, the undersigned, petition the Legislature Assembly of Ontario to urge the Ministry of Northern Affairs and Development and the Ministry of Agriculture, Food and Rural Affairs to work together to find a solution to this immediate crisis. We call on the Legislative Assembly of Ontario to introduce measures that would create incentives for veterinarians to practise within the described northern and rural communities in order to abate this emergency situation and to prevent similar crises in the future."

I'm happy to sign my name to this petition.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Bruce Crozier (Essex): I have a petition signed by hundreds of constituents addressed to the Legislative Assembly of Ontario.

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs" of these communities;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the communities of Sarnia-Lambton, Chatham-Kent and Windsor-Essex, and provide funding in keeping with the requests made by families and/or their agents."

In full support of this, I sign my signature.

1500

NORTHERN HEALTH TRAVEL GRANT

Mr Michael Gravelle (Thunder Bay-Superior North): Again, petitions related to the inadequacy of the northern health travel grant. They continue to come in.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in their communities."

Hundreds of people have signed these petitions. I am once again glad to add my name to this petition.

HIGHWAY SAFETY

Mr John O'Toole (Durham): It's my distinct pleasure to read a petition and support that petition presented by the Catholic Women's League of Canada, Joan Lonergan, sent to me and to the Legislative Assembly of Ontario.

"Whereas motor vehicle accidents are the leading cause of death in North America; and

"Whereas studies conducted in the city of Toronto, the United States and Great Britain have reported that drivers using cellular phones while operating a vehicle significantly increases the risk of collisions; and

"Whereas people talking on cellular phones while driving may cause a 34% higher risk of having an accident;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario to ban the use of hand-held cellular phones, portable computers and fax machines while operating a motor vehicle. We further respectfully request that Bill 102"—Bill 1-O'Toole—"An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway, be passed unanimously by all members of provincial Parliament of Ontario."

I'm pleased to support this petition from my constituents.

PHOTO RADAR

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas Mike Harris made the decision in 1995 to cancel the Ontario government's photo radar pilot project before it could be properly completed; and

"Whereas two Ontario coroners' juries in the last year, including the jury investigating traffic fatalities on Highway 401 between Windsor and London in Sep-

tember 1999, have called for the reintroduction of photo radar on that stretch of Carnage Alley; and

"Whereas studies show that the use of photo radar in many jurisdictions, including British Columbia, Alberta, Australia, many European countries and several American states, does have a marked impact in preventing speeding and improving road and highway safety, from a 16% decrease in fatalities in BC, to a 49% decrease in fatalities in Victoria, Australia; and

"Whereas photo radar is supported by the RCMP, the Canadian Association of Chiefs of Police, several police departments, including many local Ontario Provincial Police constables and many road safety groups;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario government to demand that the Ministry of Transportation reinstate photo radar on dangerous stretches of provincial and municipal highways and streets as identified by police. The top priority should be Carnage Alley, the section of the 401 between Windsor and London, and all revenues from photo radar should be directed to putting more police on our roads and highways to combat aggressive driving."

It's signed by a number of residents from St Marys, and I affix my signature to it.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): Again, it's my distinct pleasure to present these petitions on behalf of the people not just of my riding, but of the province of Ontario.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year-of-manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation"—

Interjection: And he hasn't yet?

Mr O'Toole: He hasn't yet.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to immediately pass Bill 99 or to amend the Highway Traffic Act" to allow vintage auto enthusiasts to use year of manufacturing licence plates.

I'm going to endorse this, and I ask every member to raise this with the Minister of Transportation.

RAMSEY INDUSTRIAL ROAD

Mr Michael A. Brown (Algoma-Manitoulin): I have a petition with 100 and some names from Dubreuilville.

"To the Legislative Assembly of Ontario:

"Whereas the Ramsey Industrial Road from Sultan to Highway 144 is used by thousands of people annually;

"Whereas the Ramsey Industrial Road is a treacherous gravel road;

"Whereas thousands of people must use this road to travel for business, medical and personal reasons;

"Whereas the economic development of the area is strangled by the lack of a paved highway;

"Whereas the communities of Manitouwadge, White River, Homepayne, Dubreuilville and Wawa all support the efforts made by Chapleau mayor Earle J. Freeborn to have this road upgraded;

"We, the undersigned, petition the Ontario Ministry of Transportation and the Ontario government to immediately approve the paving and upgrading of the Ramsey Industrial Road to a provincial highway."

I agree with this and I affix my signature.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): This is kind of a marathon; this is my third petition. With your indulgence, this is being presented on behalf of the members of the Huron Wire Wheel Model A Owners of Canada Inc and was specifically presented to me by R.C. Atkinson, general delivery, Kilworth, Ontario.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together tirelessly to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to immediately pass Bill 99 or to amend the Highway Traffic Act" to use vintage licence plates on vintage automobiles.

I'm pleased to present this on behalf of my constituents.

ADJOURNMENT MOTION

Mr Rick Bartolucci (Sudbury): Mr Speaker, I move adjournment of the House.

The Acting Speaker (Mr Bert Johnson): Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. Call in the members. There will be up to a 30-minute bell.

The division bells rang from 1509 to 1539.

The Acting Speaker: Mr Bartolucci has moved adjournment of the House.

All those in favour will please rise and remain standing until counted by the Clerk.

All those opposed will please rise and remain standing until recognized by the Clerk.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 19; the nays are 44.

Interjections.

The Acting Speaker: I declare the motion lost. I would ask the member for Windsor-St Clair if he had something that he wanted to withdraw.

Mr Dwight Duncan (Windsor-St Clair): I withdraw.

The Acting Speaker: Thank you.

Further petitions?

HIGHWAY SAFETY

Mr John O'Toole (Durham): As unaccustomed as I am, I'm very pleased to read a petition on behalf of my constituents in the riding of Durham, more specifically, Joan Lonergan. I've also got support for this from Toronto Police Chief Julian Fantino and the Toronto Police Association's Craig Bromell.

"To the Legislative Assembly of Ontario:

"Whereas motor vehicle accidents are the leading cause of death in North America; and

"Whereas studies conducted in the city of Toronto, the United States and Great Britain have reported that drivers using cellular phones while operating a vehicle significantly increases the risk of collisions; and

"Whereas people talking on cellular phones while driving may cause a 34% higher risk of having an accident;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario to ban the use of hand-held cellular phones, portable computers and fax machines while operating a motor vehicle. We further respectfully request that Bill 102, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway, be passed unanimously by all members of provincial assembly of Ontario."

I'm very pleased to sign and support this very important piece of legislation that I propose to bring up, probably about December 12.

NORTHERN HEALTH TRAVEL GRANT

Mr James J. Bradley (St Catharines): This is a petition to the Legislative Assembly of Ontario.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed Ontarians Seeking Equal Cancer Care, founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario and to ensure that we do not have the kind of two-tiered privatized health care system advocated by Stockwell Day and the Alliance."

I affix my signature.

ORDERS OF THE DAY

LABOUR RELATIONS AMENDMENT ACT (CONSTRUCTION INDUSTRY), 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES RELATIONS DE TRAVAIL (INDUSTRIE DE LA CONSTRUCTION)

Mr Stockwell moved third reading of the following bill: Bill 69, An Act to amend the Labour Relations Act, 1995 in relation to the construction industry / Projet de loi 69, Loi modifiant la Loi de 1995 sur les relations de travail en ce qui a trait à l'industrie de la construction.

Hon Chris Stockwell (Minister of Labour): I am pleased to lead off the debate on the third reading of Bill 69. It is a piece of legislation that I'd like to work through with my notes here, starting on the residential portion of the GTA section and moving through.

Starting in the GTA residential section, this was an interesting part of the legislation that was, I think, reasonably accepted by both builders of residential housing and the unions within the marketplace that supplied the labour on the union sites for residential housing. The rationale for this bill at that time began pretty much with the fact that there was a strike in 1998, I believe.

If I can explain it to you, it's much like a domino effect in the residential marketplace. There are many, many trades that work on a residential housing site. There are drywallers, framers, concrete folks and all those different unions that get together to build residential housing. They don't collectively negotiate as a package; they individually negotiate as a union. I'm

working from memory here, but there is in the neighbourhood of 25 or 26 unions that typically work a residential housing market site.

So if there is to be labour peace in those marketplaces, then you must negotiate collectively with each and every individual union. By having to negotiate collectively, you then have a situation where if each particular contract is staggered over a period of time, you could potentially end up in a very long and protracted strike collectively but individually have very short strikes. That's exactly what happened in 1998. What would happen is that one of the unions—the carpenters, for instance—would go on strike for two weeks. When they would negotiate a settlement with their employers, the very next day the electricians would go on strike, and they would go on for a couple weeks or a few weeks. When they collectively negotiated their agreement, the very next day the framers would go out. You get the sense of what's going to happen. What happens is that you have collectively so many unions negotiating at different times, you end up with a situation with a four- or five- or six-month strike, much like what happened in 1998.

Obviously, this is not beneficial for the workers and it's not beneficial for the builders. None of the workers really wanted to go on strike for four or five months, but their strike was two or three weeks. Then ultimately, if they settled theirs, there was no work to do on the site because another trade was out, and it became very protracted, very awkward and very difficult. Mostly everyone was working in good faith. It's just that the process didn't work so they could collectively come to an agreement.

In the summer of last year there was an opportunity between the builders of the greater Toronto area and the unions representing collectively all the unions to see if we could sit down and work out a few things on the residential side. What we seemed to be working toward was one specific and very clear issue that needed to be established. We needed a common expiry date for all of the collective agreements. So if there were 24 or 25 unions represented in the residential building marketplace, we needed to find a common expiration date.

We seemed to arrive at that fairly reasonably. The unions themselves seemed to be in agreement with this. They understood the same things the builders understood, that going on strike for two weeks shouldn't mean that you're not working for five months. Of course, the building market in Canada is different than some other places in the world because you have so much time to build and pour foundations etc. Those times obviously are when the weather is warmer. These strikes happened right in the peak building periods. I believe they started in May and went through May, June, July, August and September, which is the peak building period for the residential marketplace.

1550

Adding further difficulty to it was that it was a very busy marketplace. People were buying homes. The

domino effect on that side, simply put, was that people would buy homes providing they would get delivery of their house on, say, July 1. They would make the appropriate arrangements to either sell their house or give notice on their rental apartment or move out of some place and be prepared to move in for July 1, and their homes weren't ready. It wasn't that they weren't even ready for July 1. If you happened to be buying for May 1, your home wouldn't be ready until possibly September 30 or even later, because they didn't get back to work until some time in September. Obviously, there was a huge concern, not just with the unions and the builders, but the number of Ontarians who went out and bought these homes predicated on the fact they be allowed to close on certain dates. They were pushed back and it was just horrendous. They were selling their homes, they had to move out and they had no place to go. Or they had given notice on their apartments, had to move out of their rental apartments and had no place to go.

It was a very, very difficult situation. I will give full measure to the unions. I think they negotiated in good faith and came to this conclusion, which Bill 69 speaks to. The conclusion of Bill 69, in the residential section, was very specifically that—

Mr James J. Bradley (St Catharines): You had the gun to their heads.

Hon Mr Stockwell: No, this is a whole different section, I say to the member for St Catharines. There is an appropriate time to actually come in with that quip. It just was inappropriate. You're much like the guy who sits in the gallery who thinks they've seen the play before and then shouts out the line and it wasn't the line. It's really embarrassing. I guess that's the situation for you right now.

The fact remains—

Mr Bradley: We know it's coming.

Hon Mr Stockwell: There he goes again. He's not bashful, that Mr Bradley. Even though he yells out the wrong line, he's right back with the next one that's equally inappropriate.

What happened is—

Interjection.

Hon Mr Stockwell: And he's got a new friend back there too, Mr McMeekin. He's the privatization mayor.

What we have here now is a situation where there was a common agreement that April 30 should be the date that these collective agreements expire en masse. Before April 30, there is a lead-up negotiation period. We're moving into a negotiating period—I think it's 2001, or it could be 2000—and what I think is going to happen is that a lot of these things are going to settle. That's really, really good for the industry if a lot of those negotiated settlements get settled before the 30th. But what the unions and the builders have agreed to is this: if you haven't settled your collective agreement—and this was not forced on them by the government, I might add. This was actually an industry-based solution. If you've reached April 30 and you don't have a collective agreement, then you can go on strike. I never want to see the

right to strike taken away from them. They go on strike. But the agreement by the unions and the parties is that you can only have a 45-day strike, meaning that once it gets to 45 days, June 15, then all parties agree beforehand—union and management all agree, the builders all agree—that they will go to binding arbitration to settle the strike. Final offer binding arbitration is really quite good. It just means you submit your application, the union submits their application and an arbitrator decides who's right.

That way we've limited the strike period in the residential building sections from potentially five, six or seven months to 45 days, by agreement. Those home-builders out there can go about building their homes and delivering them to the people who have bought them in a timely and reasonable manner. The unions can take their strike action and negotiate collective agreements, but not find themselves on a two- or three-week strike that somehow trips its way up to a four- or five-month strike. They didn't want to lose the money, and it seems like a really good industry-based solution.

That was the residential section of the bill. The bill is also repealable. There is a grandfather clause in the bill. That means basically that they're going to try it this time, meaning the industry involvement is that we're going to attempt to see if we can make this bill work this time, and if it doesn't work, the legislation dies. But if it does work, they can petition the government back and say, "Look, this works so well, we'd like you to enshrine it into law." So this was not an enforced issue. This was an agreement by the industry. We understood that they were going to work toward this. We accepted their ideas. We're saying, "If it doesn't work, we don't want to saddle you with a program that doesn't work, but if it does work, you let us know and we'll remove the sunset clause and we'll put it in there full-time."

That was the residential portion of the bill.

The residential portion of the bill was far less complex than the industrial-commercial side of the negotiations. That was a little more difficult. The difficulty with the industrial-commercial was that they had a long-standing history with respect to negotiations, and they negotiated not just within the confines of the GTA and not just within the confines of Toronto. They would actually negotiate province-wide.

The issue on the province-wide negotiations was that it was creating a higher key of negotiated settlements that were not applicable to other regions within the province. That happens. Many people on that side of the House often say to us, when we draft legislation and try to implement it, "You're using a one-size-fits-all approach." Mr Bradley has often said we use a one-size-fits-all approach.

Mr Bradley: That's the one-size-fits-all approach.

Hon Mr Stockwell: That's the one-size-fits-all approach. Now you're on theme. That's good.

In this instance, that is absolutely correct. The negotiations for all the industrial-commercial sector took place on a province-wide basis. Whatever negotiated

settlement they reached in Toronto was then applicable to the entire province.

Some of the builders and some of the sub-contractors and general contractors around the province were suggesting to the government that by having this one-size-fits-all approach, you were negotiating collective agreements in the Toronto region that were not very practical or applicable to the regions they happened to work within, be it Sudbury, St Catharines or parts in between.

So we began a long and rather protracted period of negotiations to see if we could find a solution to the dilemma we found ourselves in. We began the negotiations because many years earlier, in the late 1970s—it could have even been before that—there were about 270-odd general contractors in Ontario. Those general contractors were bound by working agreements they got into for one year in one small region of the province, which were then extended around the province by the Ontario Labour Relations Board.

At the time, it came down to simply this: those specific general contractors negotiated for time-limited union agreements for one year in one geographical region of the province. One of the unions then took them to the Ontario Labour Relations Board and suggested that if any of those general contractors had signed those kinds of agreements, they be obliged to be union contractors for the rest of their lives, and that those regional agreements applied to the province of Ontario. Quite honestly, the Ontario Labour Relations Board then made a decision that said, "Yes, that's how it should be."

I don't really think that was a good decision at the time, simply because they had never truly been unionized right across the province. There hadn't been a union, there hadn't been a drive, there hadn't been a vote, there hadn't been a majority. It was actually just a backdoor approach through the Ontario Labour Relations Board that somehow, through legal arguments, they should be bound by collective agreements and that those binding collective agreements should apply right across the province. Even if they were only doing work in one region, like Toronto, somehow they were now bound right around the province.

The general contractors at the time numbered—there are variations on this, but 274 is the number I seem to come up with. Some suggest it was less—and even those who suggest it was less don't suggest it was significantly less; they may say 250—and some say it was more. What has happened since is that slowly but surely—and this is not debatable; I think everyone is in agreement—the number of general contractors has been reduced from the 274 range to eight.

You have to realize that any kind of business which over 20 to 30 years goes from 274 viable entities competing for public work and private sector construction dollars, to eight, has got to say there's something wrong. There's something not working within that sector which is slowly but surely squeezing the number of unionized general contractors out of the business.

By decreasing the number of general contractors from that 274 number or thereabouts to eight, you also were squeezing the number of union-available jobs in certain regions around this province and slowly but surely you were reducing the number of unionized construction sites. There wasn't a lot of debate about that either.

1600

What was happening was that they were negotiating collective agreements province-wide. They would negotiate a dollar value in Toronto for, pick a trade, X trade, for 28 bucks an hour, 26 bucks an hour, it doesn't matter. They then would apply those dollars that were Toronto-based to areas around the province. What was becoming more and more apparent, when you saw the figures and saw the numbers and saw the number of men and women who were working out of those union halls, was that these dollars were unsustainable in certain parts of the province.

What then became obvious was that as the union jobs were shrinking and as the union job numbers were getting smaller, the non-union construction sector was picking up the difference. This was a crunch that I think we or I saw myself—it was becoming patently obvious too. I know members opposite would argue with me, but it was becoming patently obvious. As you went to union halls and talked to business managers and examined the statistical analysis outside the Toronto region, fewer and fewer and fewer men from the union halls were on the site working than they were 15, 20, 30 years ago. It was patently clear, because you used to have 274 general contractors who were unionized and it's come down to eight. Obviously, something was going wrong.

Now, there was some talk about what they used to call a three-and-out factor. They were trying to negotiate that. Three and out simply meant that if you didn't hire a unionized worker for three years, you'd automatically be decertified. They couldn't seem to get an agreement on that between the union and the general contractors. Also, I might add, the sub-contractors were involved in this as well.

There was a lot of debate about how they would go about rectifying this problem. Some very aggressive people out there were suggesting we abolish 1(4), which is the related employer. Just a brief explanation: the abolition of 1(4) would mean that a general contractor that was unionized could also run a non-unionized sister company that would compete with the unionized company. The fear from the unions is fairly clear: if you have a general contractor that runs a union company and they also are allowed to set up under the same umbrella—the same ownership, the same financing—a non-union company, it wouldn't be long before that person would be making no bids on the union side of things; they'd just be bidding on the non-union side of things and that unionized company would go out of business.

That was a compelling argument offered up from the unions. Mr Dillon was vociferous, absolutely vociferous. He said, "This is not acceptable. We will never accept an abolition of 1(4)." It was a compelling argument, and I

must say, I think the argument made sense. I agreed with him, much to the consternation of the general contractors, the unionized general contractors and the unionized subcontractors. I say to you members across the floor and to my caucus mates, who know this very well: much to the consternation of those unionized general contractors and the unionized subcontractors.

So if we understand that we had a competitiveness problem and were losing work for the unionized contractor, subcontractor and unionized worker around the province, and there's absolutely no way, through the unionized operation, we were prepared to relent on the abolition of 1(4), we were then stuck in a very difficult situation. We then had to negotiate something different. Now, I understand the members opposite don't like the different parts we negotiated. I understand that they think that it was somehow unreasonable or unfair. But I want to go on the record here today to say that if we had maintained the status quo, if we had made no changes and Bill 69 never occurred, it was an absolute guarantee that gradually and slowly the unionized construction companies, subcontracting companies and unionized workers were being squeezed out of the construction market.

Now, listen. In a good market there's work, like today, but I'll tell you, go back a few years when the NDP were in power. The unionized construction companies, subcontractors and workers were starving for work and they were losing work to non-unionized companies because of the competitiveness issue with respect to the wage packet.

I was left in a difficult situation. I had, on the one side, the general contractors and subcontractors whose position was, "I want to see abolition of 1(4)." On the other side, I had the unions who said, "If you abolish 1(4), that's holy war. We won't accept it. There's no way we'll go along with it." But we were watching the contracting situation for unionized workers sinking slowly into the sea. Frankly, I didn't think that was good. I didn't think that was good for the province because I know that, on balance, unionized construction sites are more efficient, they're safer and they provide more experienced and trained workers. We all agree with that. You won't get an argument from this side either.

But the fact remains that if you allowed the status quo to maintain, you would slowly see no unionized construction sites. So the status quo argument across the floor is a little misleading. It's a red herring. It's a salve for the rank-and-file unionized member. "They think, because I'm saying the status quo should be maintained, somehow you as rank-and-file members within the union movement will now rally your support around me because I'm calling for no change at all. Sure, I'll watch you lose your job; sure, I'll watch these companies go out of business; sure, we went from 274 to eight. But I've created this panacea, this red herring, this Shangri-La that says as long as you people think I'm serving you, then I'll let you think I'm serving you." That's the approach, and that wasn't the approach I was prepared to take. So

negotiations opened up with respect to how we deal with this issue.

The first thing I decided in this negotiation process—I decided, the government decided, the caucus, the cabinet decided—is we needed to determine—

Mr Bradley: Guy Giorno decided.

Hon Mr Stockwell: I'm still curious about your position on photo radar. I'm going to be interested to see how you wiggle around that. But that's for another day.

I was very interested to find out what the facts were. We actually commissioned a gentleman, Mr Armstrong. Mr Armstrong was given the responsibility to go out and just get the facts. He used to be the Deputy Minister of Labour, a very balanced, fair and reasonable guy, and this was a person who was accepted by all parties. He was accepted by the unions, he was accepted by the generals and he was accepted by the non. He went out and he just got the facts. He produced a report, a paper that was submitted to me that was voluminous but also extremely important because it laid away the issues that were on the margins. It just dealt with the issues that we needed to deal with, the facts according to Mr Armstrong.

The first thing we did, before we actually went into much in the way of negotiations, is we asked all parties to read this report, bring back any of their concerns or questions, tell us what they agreed with or what they didn't agree with, have the debate, and then let's decide what the facts are. We did that, and I think we came to a reasonably swift conclusion that Mr Armstrong did a wonderful job and those are fundamentally the facts. So we had the facts before us.

What we needed to do, in my opinion, was create an opportunity that the unions may maintain their 1(4) exclusion, negotiate and have the right to strike, withdraw services, but also have the capacity within this process to negotiate collective agreements around the province that may be more tailored to their community so that work that's tendered in that community, be it commercial, industrial, government or whatever—because they have this capacity to negotiate different agreements, they have a better chance of getting the work; thereby, if they have a better chance of getting the work, of hiring subcontracting unions and hiring union membership. That was the first test.

That test worked. We reached the stage where we had a situation where the negotiations were agreed. There would be a province-wide negotiated agreement that would take place at the same time every three years and they would negotiate the payment levels for all the trades at that table. They could strike if they wanted to strike. They could do whatever they wanted to do. They could do anything they could do in the past at that central table and set the province-wide rates.

1610

Then what we allowed to happen was that in regions where certain parts of the province felt they weren't competitive based on that province-wide agreement, they had the capacity to file before an arbitrator a process

much like what the residential construction guys agreed to, a process where they would try and negotiate a settlement that would create more competitiveness in that sector and then they would have an arbitrator rule on whose application they'd pick that would create more competitiveness.

The idea was simply put. There was no benefit outside the Toronto region for unionized general contractors and unionized subcontractors to lose bids on purpose. There was no benefit for them in that. It wouldn't make any sense to actually make a bid and lose it on purpose. They weren't making this stuff up. They weren't getting the work. By putting this caveat in, we created an opportunity in Timmins or in Sudbury or in Kingston to allow them to negotiate a separate agreement that would create a more competitive workforce, that would allow them to bid on work, win work that they weren't winning, and thereby put subcontractors to work and hire men from the hiring hall. Ultimately, that was a good decision.

There was another caveat. The other caveat was that at no time could a unionized subcontractor or general contractor have anybody work on the site who was not a union member. I know what bothers the rank-and-file membership. What bothers the rank-and-file membership are a couple of things: first, the clause that allows for mobility, and the second part is the name-hiring clause.

I understand that causes them concern, because we took this around the province and we met and had public hearings with groups around the province and that often came up. But where there's give-and-take, there's got to be a quid pro quo. If, on the one side, the unions insist—which they did—that all people who work on a unionized construction site must be card-carrying members of a union, then the comeback from the subcontractors was, "Well, that's fine. That's OK. We accept the fact that everybody who works on a unionized construction site must be a union member, but we demand to have more control over what union members work on the site." That was their position. Their position was that some percentage of that site should be allowed to have some mobility from where I live to bring to that site.

That's a concern for the local hiring hall, but the fact remains that the subcontractor wasn't saying you had to have a non-union guy on the site. All they were saying was, "I should be allowed to bring 40% of the unionized workers I work with every day, who understand my process, my programs and my work schedule, to this site where I've won the contract." Again, it's a quid pro quo. As many as can travel from Sudbury to Windsor can also travel from Windsor to Sudbury. Anybody who lives in Kingston and wants to work in Toronto can win the contract and go from Kingston to Toronto. The demand wasn't that a non-union worker work next to a union worker. The demand was, simply put, that I get to bring 40% to the site, that I bring union workers from my company.

The second issue was that if you win a job in a local community, the person who wins the job should be allowed to name-hire some percentage of people off the

list from the hiring hall. I understand that cuts hard against the business managers. I understand they don't like that because the control at the union hall is that the business manager controls who goes to the site. It's a truism, and it's been like that for many years. You elect your business manager and the business manager goes down the list and decides who's going to be working the next day.

Interruption.

The Acting Speaker (Mr Bert Johnson): Order. I just wanted to say that we welcome any guest to be here. We have rules for ourselves and we have rules for our guests. As you can see, we as members take some latitude when we speak, and make interruptions. I can tell you that there is absolutely no tolerance for any kind of demonstration, any kind of speaking out, from those of you who visit us. I'd like to have you here, I'd like to give you that opportunity, but there will be absolutely no demonstrations, no talking, nothing of any kind.

Interruption.

The Acting Speaker: I would also like to say that if somebody wants to say something, you have to do that outside. If you try me, I'll clear the entire gallery if I can't identify who it is.

The Chair recognizes the Minister of Labour.

Ms Marilyn Churley (Toronto-Danforth): Stop provoking them, Chris.

The Acting Speaker: Order.

Hon Mr Stockwell: Stop provoking them? I don't think I've said anything provocative. I'm trying to read and put across what I think is a balanced view. If you feel it's not, it's an opportunity—

Interjection.

Hon Mr Stockwell: I say to the mayor for privatization that you have your opportunity to get up and respond. I don't dispute that you have that opportunity, and I encourage you to a great extent. I frankly don't think you know what you're talking about, but that's fine.

Ms Churley: That's your arrogance speaking again. You think you know it all, don't you?

Hon Mr Stockwell: You're suggesting that I'm being provocative. I suggest to you that's your arrogance speaking.

Ms Churley: I know a damned sight more about this issue than you do.

Hon Mr Stockwell: I suggest you don't.

Simply put, the situation is that the subcontracting trades wanted the opportunity to go and name-hire—

Ms Churley: You guys are so patronizing.

The Acting Speaker: The member for Toronto-Danforth, come to order.

Hon Mr Stockwell: What they want to do—

Interjection.

The Acting Speaker: Order. I will not warn the member for Toronto-Danforth again.

The Chair recognizes the Minister of Labour.

Hon Mr Stockwell: There's an issue with respect to hiring people on the list to work on your site. The subcontractors suggest, and I think within reason, that

you can offer up an opportunity if the subcontractor could go through the list and pick and choose who worked on the site they're building. Their position is that it would provide for a more efficient use of their money and thereby create a more competitive bid process.

The opposition was obvious. They didn't think this approach should be taken. I might add that it's one of the few industries I've run across in the province, or even in the country, where the actual employer doesn't choose who works on the site. It is rare in any industry that you would actually have a situation where an employer would hire somebody to work for them and not get to choose who would work for them. It's very unusual. It would be like opening a business to make widgets. Based on the law of the land, you should be allowed to pick who is going to work for you and make widgets, but you're not allowed to do that. Somebody you've never met maybe in your life tells you who is going to work in your widget factory—a very unusual situation.

That's the way the industry has grown and the way the industry works, and I accept that. But let's be clear: that's an unusual circumstance. I'm sure many of the members opposite opened political offices. If you opened up your political office and then had to go around the corner to a storefront and they told you who would work in your political office, I think you would be somewhat perplexed. You would say, "I got elected. Maybe I should have the ability to pick who works for me, rather than have somebody else tell me who is going to work for me." But that's the way the industry works. I understand that. It has worked like that for many years.

1620

We had a bit of an issue there. But at the end of the day, that was the agreement reached between the subcontractors and the general contractors. The agreement was simply that they would have the ability to have a 40% mobility level. As it worked out on the actual site itself, I think, if you had a site that had 100 electricians on it, the first rule was that they would all be union. Everyone agreed that they would have to be card-carrying union members. The second was that roughly 76% of that site, I believe, would be either brought in by the contractor by a mobility clause or name-hired off the list of potential employees.

That didn't leave the union out. They still had the opportunity to appoint 24% of the people who worked on that site. They were given that opportunity. I appreciate that was a problem for the unions, and I understand they didn't work that way in the past. But it was a situation where, if you could create competitiveness and a more effective bid process and create more jobs, it seemed to me the hierarchical view would be that you would try to create them for card-carrying union members. That principle held. That was that section. That dealt with the subcontractors.

Then we had to deal with the general contractors. I know the debate will rage with respect to what happened to the general contractors, but I don't think anyone will dispute the claim that there used to be a whole lot of

general contractors. I say to the members opposite that whether it was 250 or 275 or whatever the number was, we are all in agreement that there used to be a whole bunch of general contractors. Then, as I told you earlier, the Ontario Labour Relations Board ruled the way they did, and now there are eight. So something was obviously going wrong. Nobody goes out of business on purpose, nobody declares bankruptcy and files a bankruptcy petition on purpose, which costs them their livelihood, their job and their business, unless something is obviously not working. When you go from 274 companies to eight, I think even the most hard-hearted organizer for most unions would be hard-pressed not to agree that something was going wrong.

To measure that again, the number of working people from the union halls was decreasing steadily over the years, and the number of members who were working was decreasing steadily over the years. Although it has got better during the prosperity since we've been elected, the difficulty is that during the time when the NDP was in power, it was absolutely horrendous. Very few of them were working, the province was in a terrible tailspin and very few projects were taking place. That was the situation with respect to that part of the bill. So we reached that competitiveness section and we talked about mobility.

There was another issue that had to be talked about and that was the key man. The unions were very strident that somebody who worked in a business, a unionized company, couldn't move over and start a non-unionized company. That's called the key-man provision. Arguments were put to me with respect to the key man. The general contractors said, "We need to wipe out this key man. It's related employer stuff. We basically need the ability to provide some process that allows us to send somebody off to operate a separate company."

The members opposite suggest the union didn't win. They made a rather compelling argument on the key-man issue as well, and I think they made sense. There seemed to be something to the argument that you simply can't hive off an individual who would hold a very important part in the general contractor's business, put them in another business and let them start it up as non-union, and not expect there would be some process to check if they were working in cahoots or in collusion.

We talked about the key man, and all we said about the key man was that there needs to be a hearing at the Ontario Labour Relations Board. You can't just say—and we excluded these kinds of provisions—that just because it's a blood relation doesn't mean it's a key man. The argument put to the unions was simply that the person could be a blood relation but simply be an electrician in their business. Simply going out to operate their own new company doesn't necessarily make them a key man, a key person, a key component in that company. It meant you had to do something besides prove they were related. You had to prove they held a significant position in that firm.

The duration of absence from business: an example of this was—and one of the people came to me and said, “I used to run a business in Ontario. In 1985 I left and I stopped. It was a unionized business. I left. I went to British Columbia, where I lived for three or four years. Then I moved from British Columbia and I lived in Manitoba and operated a business in Manitoba”—a bar, not in the construction business—for two or three years. Then I came back to Ontario some five, six or seven years later and decided, OK, I’m just going to open up a little general contracting business—you know, hang a shingle up.” Boom, he got certified, because that many years ago he was a unionized employer. No relationship. He’d only hired I think a couple of people, but, boom, he got certified. So rather than actually going through the process of determining whether or not those employees wanted to be certified—they didn’t even give them that opportunity; there was no discussion—he just got certified under this key man provision, and he said it didn’t make any sense. “I hadn’t been in the business in so many years and here I am getting unionized and none of the guys wanted to be unionized.”

The significance of the role of the individual in the first company: it seems to me that if you’re going to be a key man—I guess that’s probably not the language that we use today, but a key person—if you’re going to be a key person in a business, you’d have to have some role, and I spoke to you about the person who’s simply an electrician, but it was working that way in certain circumstances too. Somebody who was just performing an hourly job in a business and said, “Gee, I’m an electrician. I’ve been working in the ICI sector. I’ve been in a unionized workplace and I’ve worked there for 10 years. I want to go out and start my own company. I want to work just basically as Joe’s Electrical,” an electrician, that person was disallowed through the key man process from simply opening up a two-truck operation that did electrical work in people’s homes. They were saying, “This is nuts. This is not even related. Simply because I worked there, I’m now being told that I’m unionized.” And frankly, in the residential marketplace, if you’re doing simple additions to people’s homes or just repair stuff, it’s not often that a tremendous number of those people are unionized, and it makes you a little bit less competitive than you could be if you weren’t.

Then you must talk about the ongoing viability of the company once the person has left. If you’re a key person and you leave the company, open up your own company, and the other company that you left is prospering, making all kinds of money, declaring all kinds of dividends and prosperity, it seems to me that means you’re hardly a key person. If you were a key person and you left, you’d think the company you left would somehow suffer. That is an opportunity that needs to be addressed.

So we said, Mr Speakers, I say in plural, that we never suggested this couldn’t be a reason, any of the reasons I just listed couldn’t be a reason. They could be, but they couldn’t be a *prima facie* reason. They had to be a reason with some backup and some proof. It couldn’t be a *prima*

facie case. You couldn’t simply say, “Because you’re related, you’re a key man. Because you worked there, you’re a key man. Because you’re absent, you’re a key man. Because of the viability of the company, you’re a key man.”

So we reached those conclusions, and frankly I think the amendments we moved to the related employer status and the key person status were reasonable. They were accepted, I think, by the union membership, executive, and they were accepted, I think, by the general contractors and sub-contractors.

So we get to this point where the process broke down. All right. My next job—

Mr Mario Sergio (York West): Try and explain that.

Hon Mr Stockwell: Excuse me? Speak up. I can’t hear you.

Mr Sergio: Try and explain that.

Hon Mr Stockwell: OK. I’ll do my best, and I thank you for your support.

I wanted to mention the part where it broke down. Where the process broke down, I think, was with respect to what the generals were going to get out of these negotiations, and let’s be clear that it was a situation of a *quid pro quo*. There was get, give, take etc. The generals’ position was that they needed to have the opportunity to be allowed to be removed from those working agreements that got implemented through decisions of the Ontario Labour Relations Board. Their position was, “Because those decisions were taken, we were never truly organized. There was never an organizing, card-carrying drive. There was never a vote. There was never an opportunity to have a vote or a non-vote or to organize. Just by extension of that one-year contract we signed, specifically regionalized, we became unionized right across the province, and we never had the opportunity to be organized like anyone else would get in the province of Ontario.” They said, “We needed this opportunity,” for it to be fixed.

1630

The other difficulty they were faced with—and the members opposite should understand this as well. Many people would say to me, “Tell them to get decertified. There are laws to be decertified. Go let them be decertified.” The problem is, they didn’t employ anybody; they didn’t employ any union people. They were general contractors. Any work they undertook, they would subcontract to a subcontractor who had unionized employees but didn’t in fact work for the general contractor. Yet the general contractors were unionized. So the argument would be, “Tell them to get decertified.” They couldn’t get decertified because there was nobody to vote on the issue; there was no membership. They were unionized by extension of the Ontario Labour Relations Board based on a one-year contract regionally set in Toronto, and they couldn’t in any way, shape or form decertify that union even though they didn’t hire anybody, even though they didn’t have any unionized workers, even though if they had wanted to have a union decertification vote there wouldn’t be anybody to vote; it

would be a 0-0 tie. This is their dilemma, and it was never done through a voting process, so they couldn't get out through a voting process. They said it just wasn't fundamentally fair. If they were unionized like the civil trades unionized them in certain aspects, in certain places, fine. "If we got certified through due process, through a vote, fine; we're unionized." They accept that. But under the process that was implemented that unionized them with respect to the situation they're caught in today, they say it's profoundly unfair.

All they asked through this whole process—certainly they asked for the abolition of 1(4); that was obvious. They weren't going to get it. They asked for the opportunity to be relieved of their working agreements that had been acquired through decisions of the Ontario Labour Relations Board outside of board area 8. They weren't even saying inside board area 8, where 70% or 80% of the construction takes place. So it wasn't a horrendously unreasonable request from the general contractors.

Even if they wanted to be decertified, they couldn't. That's why they negotiated those years ago what they called the three-and-out factor. Why did they negotiate the three-and-out factor? Because they knew the only way they could get out of these agreements was to prove to the unions and the Ontario Labour Relations Board that, "We didn't hire anybody who was unionized for three years; therefore, what are we being unionized for?" But they couldn't get agreement.

They were really caught between the devil and the deep blue sea. They were unionized. They didn't hire anybody. They had no union membership on the payroll, and they couldn't decertify because they had no union membership on the payroll. They were only asking for those working agreements that were acquired through the decisions at the Ontario Labour Relations Boards 30 years earlier—to relieve them of that responsibility with the non-civil trades or whoever in fact acquired those working agreements.

So, folks, as the union said, abolishment of 1(4) isn't fair. I agreed with them. As the union said, having a non-union guy and a union guy working on the same site won't work. I agreed with them. So when the generals said, "Organize somebody who doesn't hire anybody?" I agreed with them. So you're in a situation where, yes, I agreed with the subcontractors and the general contractors in certain circumstances, and I agreed with the unions in others.

Interjection: A pretty agreeable guy.

Hon Mr Stockwell: Certainly. They suggest that, including my friend from Hamilton in your caucus. It's true. So I agreed with them.

That's where this whole compromise took place. So when the voting took place on the bill to allow them out of their working agreements acquired through decisions of the Ontario Labour Relations Board and they couldn't get the necessary majority, I had to refer the bill back to committee to allow myself to get them out of those working agreements. That was the deal. As simple as it sounds, that was the deal.

As I sum up, with 10 minutes left, the members opposite and I have a fundamental difference of opinion. I believe, without any fear of debate, that the status quo in the construction union sector today would not survive. It wasn't going to survive. I know you're going to argue status quo, and I know your friends in the gallery are going to say, "Maintain the status quo." But it wasn't possible to maintain the status quo and maintain jobs in the unionized construction sector.

Understand that non-union companies are coming in from outside this province and bidding on work. They're coming from Michigan, they're coming from New York.

Mr Sergio: From Quebec.

Hon Mr Stockwell: Sure.

Mr Sergio: And what are you doing about it? Nothing.

Hon Mr Stockwell: It's always good to have comic relief.

They're coming across and bidding on work, and they're winning the work because they can bid a more competitive job. I understand that if a union bid is 5% to 10% higher, there's a very good chance the person building whatever it is they're building is going to take the union bid because of their safety record, because of the experience of the workers, because of their ability to do the job and because of their training. But when you start getting into 20% and 30%, they don't get the job regardless of their record. Slowly but surely it was being squeezed.

I don't need you over there to guarantee this or to tell me I'm right or wrong. This is just a simple situation we have in the Ministry of Labour that shows, by study, that the amount of construction work being done by unionized companies in Ontario is growing smaller as a percentage of the construction work being done in the province—end of discussion. Year over year it gets less and less.

The status quo would have guaranteed one thing: the slow and absolute demise of the eight generals that were left in business. If you lose the eight generals who bid union work, how long before the unionized subcontracting folks lose their jobs? Ultimately, if the unionized generals aren't getting work and go out of business and the unionized subcontractors are going out of work, the unions go out of work. That's a fact.

Go and look in the hiring halls. Go to the hiring halls yourselves and look at the past 15 years in the hiring halls. Go ahead. At those hiring halls you will see it has almost flipped, from the number of people working to the ones on the list today, to the ones on the list to the number of people working, particularly outside Toronto, particularly outside board area 8. That's the situation.

Argue the status quo and you will see that in slow but certain methodical moves you're closing down that sector. I don't have to tell you; drive around Toronto and see the construction. There are a lot of good, unionized construction sites. But more and more there are a lot of non-union construction sites as well, and that was becoming more and more clear.

I understand the pillorying I'm going to take after I sit down. I understand that. I appreciate the position, other than my friend from Yorkview.

Mr Sergio: There is no such member.

Hon Mr Stockwell: There used to be a member for Yorkview. He looked a lot like you—York West.

But the fact remains that maintaining the status quo was the death knell. It would eventually come down to no unionized work. Examine the studies, look at the number of general contractors, look at the number of subcontractors, look at the number of people who used to work at the hiring halls, look at the hiring halls today, look at the number of men on the waiting lists at hiring halls and the number of men and women—mostly men, though—who are actually working.

1640

In conclusion, we had a decision to take, and I think the government made the right decision. I think the government made the best decision for the people of Ontario. We did so not on one front but on two fronts.

I think the residential section, which I spoke about at the beginning of this speech, was the most important part of the bill for the residential side in the Toronto area. I think that template for Toronto will be lifted and applied around the province. I think people will see its benefits—the opportunities, the number of strikes that will be averted and the collective agreements that will be made—and there will be harmony on both sides of that equation.

In my opinion, that part of the bill, after one round of negotiations, will form a template in all parts of this province for each local building association and unions to work toward to have a more competitive and more expecting construction program. That means that when they say the house will be done, it will be done. That's important, not just for me and not just for the builders and the unions, but more importantly for the people of the taxpaying public of Ontario who are in a very awkward position when they are left up in the air three, four and five months with respect to moving into the new house they just bought.

As far as the ICI sector side of things, I think this government struck a balance. I know there will be opposition. I know it wasn't perfect in the general contractors' minds either. It wasn't a perfect bill for the general contractors, it wasn't a perfect bill for the subcontractors and the unions say it's not a good bill for them. What it is is an opportunity to drive an agreement by consensus, and in this situation I think the consensus worked.

Had the other parties been in power—and I make the rhetorical comment to the member for Hamilton West. During the social contract, I remember they spent many months trying to find a consensus, trying to find a working conclusion to the situation they found themselves in. I don't think what they found was anywhere near as consensus building as what we found. We didn't rip up any collective agreements, we didn't override any collective agreements, we didn't take away people's right

to strike, we didn't remove dollars and cents from their pay packet. They have the capacity to negotiate collective agreements province-wide and also a local agreement that reflects their community.

When they were faced with the same crisis, when they were faced with a situation where they needed to find a compromise and common ground, they simply and unilaterally overwrote every collective agreement, inserted their interpretation of how things should be done and forced it down the unions' throats, with no public hearings and no public debate. They savaged and ravaged every collective agreement that was done by direct or broader public sector unions.

We didn't do that. We maintained 1(4), that the employer status be maintained. They retain the right to strike, they retain the right to negotiate their own collective agreements, they retain the right that all the people who work on a unionized construction site shall be unionized workers—they retain all those rights. Yes, there was a quid pro quo. Yes, there were some concerns that they had to give up some issues. But I think what they gave up and what they retained will build a better construction industry in Ontario and a better working arrangement with people in Ontario, and it will give an opportunity for them to get more work.

As much as they may suggest, having more members at work for maybe a few dollars less an hour is far better than not having them at work for a higher rate. What's the point of paying somebody 26, 27 or 28 bucks an hour and they never work, if they can work every workday of the week for 22 or 23 bucks an hour and they are working? Union dues and membership go up, and the rank and file get jobs and can pay their mortgages and feed their families. I think that's a good bill from a good government, which addresses business, in the way of general contractors; middle men, who are the subcontractors; and labour.

I'll tell you, although I'll be pilloried, I'm proud of this bill because I think we drove a consensus, a consensus that's good for the unions, that's good for the subcontractors, that's good for the general contractors and, probably more importantly, is good for the people of Ontario because it will create an opportunity for collective bargaining and work toward more work in the construction sector and provide jobs for the people of Ontario.

The Deputy Speaker (Mr Michael A. Brown): Questions and comments?

Mr Dwight Duncan (Windsor-St Clair): I listened to my colleague the Minister of Labour carefully as he outlined his position, a position I think we need to remember has changed I don't know how many times since this bill was originally introduced. Three, four—I've lost count.

I have a couple of comments. When I heard the minister talk, it sounded almost as though the construction industry is in some kind of slump in Ontario. Building permits are up everywhere, right across the province. The minister basically wants to change the way

the labour market is regulated. He wants to take power away from the working people who build, whether it's residential or the ICI sector, and give it to the big contractors at a time when we've experienced unprecedented growth. I reviewed the issuance of building permits in all of those areas outside of Toronto, and I say to the minister, those building permits are up everywhere. Just last week the mayor of Toronto announced the first major tower to be constructed in Toronto, not because of this bill, a long time in coming.

First of all, I say the economy has been strong. The labour market has functioned well. Yes, there is a preponderance of work sites in the province now that are non-union. I'd prefer that they be unionized. I'd prefer to see the men and women who build our buildings get a bigger slice of the profit pie in an era of unprecedented profits.

The second comment I have with respect to the minister's openness to find consensus is that I saw no consensus. I saw a government back and forth, back and forth, one day saying one thing, another day saying another thing, so there has really not been any consensus. Indeed, this government ignored 71 amendments that our caucus put to the bill, and it ignored its union partners in this whole process. No consensus and things have been well.

Mr David Christopherson (Hamilton West): In the two minutes I have to respond, let me first of all point out—and of course the minister likes to disregard it like it somehow doesn't really matter, but the fact of the matter is that the only reason this bill is here in front of us is because the government made it very clear that unless the unions, through their leadership, came to the table, 1(4) was gone. That was a threat. If anybody takes the time—and I'm sure down the road some will—to read the Hansard and watch how this thing has unfolded and progressed, you'll see that at various times the Minister of Labour and his parliamentary assistant have said it didn't happen, that there was no threat. There's a reference in there to the minister, I believe, not being able to know what's on the minds of union leaders and if that's what they perhaps thought was happening, how could he be held responsible for that, all the way to the parliamentary assistant and now we're back to that point again with the minister saying this is a wonderful thing for workers in the construction industry and that we ought to be hailing Minister Stockwell as the greatest thing that ever happened to workers.

Interjections.

Mr Christopherson: You've got, of course, some of them across the way, some of his colleagues who don't understand this bill, who are saying, "Hear, hear."

The fact of the matter is, it's deplorable that you threatened them the way you did. That's exactly what it was. It was an absolute threat. There are quotes in the paper where you said, Minister—through you, Speaker—"1(4) is back on the table." Having once denied it was ever on the table, it's pretty obvious it was on the table or it couldn't be back on the table. If it were never on the

table, then it couldn't go back to the table, could it? Your argument at one time in this place that you weren't threatening the labour movement is not true. This was predicated on threats, and it's not going to help the labour movement. It's not going to help workers, and you know it.

1650

Mr Doug Galt (Northumberland): I'd like to compliment, first, the Minister of Labour for an absolutely brilliant hour-long speech. He expressed the concern and the issue with the bill very well, explicitly. Just listening to the members from the other side, the member from Windsor-St Clair, the member from Hamilton West, obviously—

Interruption.

The Deputy Speaker: Order. Stop the clock. Participation in the gallery is clearly out of order. We will have to clear a gallery if the guests do not maintain proper composure. Member for Northumberland.

Mr Galt: As I was mentioning, I was really impressed with the comments the Minister of Labour made. Obviously the member from Windsor-St Clair and the member from Hamilton West, I don't think they were listening very well to some of his comments. The member from Windsor-St Clair was talking about consensus-building and the various comments from government coming out in different directions. That's all about consensus-building and working out the issues.

I think the Minister of Labour expressed very well that people who were buying homes were stranded, had given up their apartment, sold their home, sold their condominium, whatever, were working to a deadline and then, lo and behold, because of the domino effect of various strikes they were unable to get their homes. That was particularly prevalent quite a few years ago. Back in 1995 I believe was the year all those rotating strikes occurred. This bill would help overcome that. It's not going to take away the right to strike. They'll still have that opportunity for a limited period of time. Certainly pulling the various unions together so that the contracts come up at the same time will overcome that domino effect that has been so damaging to everyone. It has been damaging to the employees, the union members, because they're held up, unable to work because of others being on strike. It has been harmful to homebuyers, it has been harmful to the employers and it has also been very harmful to the province of Ontario. I see an awful lot of winners, provided this bill gets passed.

Mr Sergio: I'll just add some comments, both on Bill 69 and Bill 139. In very simple words, let me say this is nothing more than an amassing of more power for the ministry, for the minister. He's taking the balance of power and tilting it completely on the side of the employers.

The real issue here is that it's not a consensus-building bill whatsoever, because if the minister had that intention in mind, on behalf of the government, on behalf of the Premier, he would have allowed this side of the House and the people on the outside, the construction workers

and any other individual or group, to express their views on this bill. Did the government allow that opportunity? No, the minister did not allow that opportunity. As a matter of fact, on some very important bills what they do is, they introduce them and most likely they come in the next day and say, "That's it. We are cutting off debate." Not only do we not offer an opportunity for the members out there—and this must be the most inopportune time if there ever was for the introduction of such a bill.

I travel as well. I get those chances. I go into Durham region, especially York region where my colleague is from, Vaughan-King-Aurora, and it's booming. Construction is booming. If there is one lament out there, it is that they can't find enough workers, enough trades. Why would the government create a crisis and tension where there is no need and where there is none? They must have a real agenda. It's most unfortunate that instead of thinking of and considering working conditions, the safety aspect of the workers, they are taking more power from the workers.

The Deputy Speaker: Minister.

Hon Mr Stockwell: To the member for Windsor-St Clair, there's a lot of construction going on. The problem is that the percentage of the construction that unionized construction companies are winning is slipping considerably. There's prosperity in the province, thanks to us. You're right. But as the process moves along, they get a smaller and smaller slice of the pie. That's documented study after study.

The member for York West, much the same comments as the member for Windsor-St Clair.

I thank the member for Northumberland for his comments. I appreciate the vote of support. The bill was a long time coming, and I think we did a good job representing all parties in this bill. I understand that some won't like it, but we are a government and we need to bring in legislation. I think we found a balance of a decision.

To the member for Hamilton West, I get tired of listening to his allegations and charges about the workers and collective agreements and all this stuff. It really is difficult. He had the levers of power in his hands at one time. He was a minister of the crown. He was there to represent the people of the province of Ontario and his union friends. When he had the levers of power, he ripped the hell out of every collective agreement that was ever offered up by the province of Ontario through direct employees or through the broader public sector. So save the lectures, because when you had the chance to do something about it, you bailed; you pulled your chute. When the going got tough, you got going. The fact is that you lecturing me on the sanctity of collective agreements is farcical. You've got to come up with a new shtick, you've got to come up with a new spiel, because you're going to have to live with those decisions that you took when you had the levers of power. You could have made changes, you could have done it differently, and you were worse than any other member in this government. So I don't want—

The Deputy Speaker: Thank you, Minister. Further debate?

Mr Rick Bartolucci (Sudbury): Speaker, I'll be sharing our time with the member for St Catharines, the member for Prince Edward-Hastings, and the member for York West.

I stand in opposition to the bill. The Liberals have been consistently on the record as opposing this legislation. We will continue to oppose this legislation. We will continue to fight this assault on the labour movement.

You can't look at this legislation in isolation. I think you honestly have to look at it as to what's happened over the course of the last five years, and certainly look at Bill 7, Bill 49, Bill 99, Bill 136, Bill 31, Bill 55 and now this bill, and following this bill we'll have Bill 139, all assaults on the working people in Ontario.

In 1995, in debate over Bill 7, which allowed for scab labour in the province of Ontario, the government said, "Bill 7 reforms will restore balance to labour-management relationships." At that time I said, "The price will be paid in the very near future and it will be in the form of lost co-operation, lost man-hours, lost production, lost opportunity and lost profits." All you have to do is talk to the people who are on the picket line at Falconbridge to find out that Bill 7 hurts labour-management relations. There is absolutely no incentive, none whatsoever, for management to get back to the table, because they're able to use scab labour. So what we have in Sudbury is 1,250 workers out of work because both sides can't come to the table because legislation is weighted highly in favour of management. I fear the same thing is going to happen with Bill 69. There is absolutely no question that this is not balanced legislation. This is legislation that should be of major concern to the people who work in the industry.

I come from a construction background. My father was a bricklayer. I was a labourer first and learned the trade before I went back to school. I have to tell you that I have so much respect for the people who work in the industry. I also have respect for my father, who fought for the rights of workers in the industry because he almost lost his life on a non-unionized project. He realized then the need to unionize, the need to ensure the worker is protected. He's been dead for 15 years, but I'm sure there's some movement in his grave today as we debate this on third reading, because he understands, I'm sure, as do the workers who are here this evening, as do the workers across the province who are watching this, as does the general public, that this legislation is not balanced legislation.

1700

When we debated this originally at second reading, I suggested that there were major concerns that the industry would have with the mobility issue, the naming issue and the key person provision, along with several other sections and subsections of the bill which clearly didn't allow for fairness. So at the time, as the labour critic, we worked hard with the industry, in fact very

hard, to try to put together amendments that would make this legislation work. We worked with the likes of Pat Dillon and Jimmy Moffat and Larry Lineham. We tried to ensure that we made recommendations and amendments that would make this legislation work, because indeed we knew that at the end of the day, with a majority government, the government was going to have its way. So what is the best course of action to take: fight with them or try, with amendments, to ensure that both sides are protected and that we have a win-win situation?

Dwight Duncan, our House leader, referred to it earlier, but collectively, we as a Liberal caucus—Dalton McGuinty and the Liberals—along with the industry made 71 pages of recommendations. Do you know how many were adopted? One. Do you know how many were entertained? One. The committee that this was sent to did not see 70 pages of amendments; in fact, wouldn't accept them. I would suggest to you that, if for no other reason, the people of Ontario who work in the industry should be sceptical of the fact that the government committee would not at least entertain and discuss the 71 pages of recommendations.

I would suggest to you that the Minister of Labour, when he said he's trying to do what's best for the industry and the union has bought into this amendment and this bill, should read his correspondence from, for example, Pat Dillon, who said, "I fear that these continued attacks on unions and working people will lead to instability in the workplace and will eventually wreak havoc on Ontario's booming economy."

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): No one's listening.

Mr Bartolucci: Our newly elected member says that no one's listening. That's not surprising to the people who are watching on television and certainly to the people who are in the gallery, because if they were listening, I'm sure the minister would have placed a whole lot of credibility in the letter he got of November 10 from "the undersigned" building trades. I have to tell you, when I look through the signatures, well in excess of 95% of the unions are represented. What are they saying?

"The building trade unions are opposed to Bill 69. At the October 2000 convention of the Provincial Building and Construction Trades Council of Ontario, a resolution was passed opposing all regressive labour legislation"—that would be fine, except they also put this clause in—"including Bill 69. The vast majority of Ontario construction local unions and their members throughout Ontario are opposed to it." I think that's a pretty damning insight by the members of the building trades, the people who are going to work in the industry, the people who have to try to make this work, when the majority of them are opposed to it.

They said as well, "Bill 69 is one of the most regressive and divisive attacks on construction unions and our members in Ontario history." This is not Dalton McGuinty and the Ontario Liberals talking; this is the workers who are talking, the people who are going to have to live with Bill 69. Listen to this: "It will destroy

the integrity of our collective agreements, reduce wages, eliminate the fair and reasonable working conditions which our members have fought so valiantly to achieve and is an attack on smaller communities outside Toronto." I'll spend a little bit of time talking about smaller communities outside of Toronto, like Sudbury, where I come from.

Finally, they say, "It will do absolutely nothing to improve competitiveness in Ontario's economy but rather," and I think this is very important for the government to understand, "will serve only the special interests of the eight general contractors." The majority of the building trades said that this legislation was bad for their industry. The Minister of Labour earlier in his one-hour discussion said that the general contractors weren't happy with it. So the general contractors aren't happy with it; certainly the building trades aren't happy with it. The only ones who might be happy with it are in the Premier's office: the backroom boys, of course. I would suggest that if they are representing the unionized workers of Ontario, they should do the right thing and withdraw this bill.

What concerned me a lot during the process with Bill 69 was that whenever there was a whim on the part of Mike Harris—because I believe it's Mike Harris who's pulling the strings here. I don't think for a second that the ministers call the shots in this government; it's clearly Mike Harris and the Premier's office, and the Premier's advisory council. We've spent a lot of time talking about those guys. But you would think that this last-minute amendment to ensure that the deed is finally done would have caused the government to again listen to the Provincial Building and Construction Trades Council of Ontario when they said, "The government amendment on abandonment has the potential to go far beyond the intent of the industry discussions."

The minister referred to industry discussions before, and I believe they took place, because I talked to Pat Dillon, Jimmy Moffat and the rest of them and, yes, they took place. Discussions took place, but somebody wasn't listening, because now, with that amendment, "It is not limited to the eight generals, it has no geographic limit and it is not restricted to the ICI sector. In short, the potential for abuse is only limited by the number of abandonments the government could regulate in a single year.

"Quite simply, the amendment is too broad-based and is open to government abuse." Whether or not the building trades council trusts the present minister is not a point I'm going to debate, but the way the legislation is written right now, it is certainly too broad and can only lead to one thing: the denial of rights of unionized workers in the construction industry across Ontario.

We're going to remain opposed to Bill 69. We're going to be opposed especially to this amendment because it clearly—and you know we've listened to a lot about 1(4). This amendment allows 1(4) through the back door. I think every worker who's up there in the galleries tonight understands that's the case. What's more

frightening, I'm sure, is that in Mike Harris's office they understand that's the case, and that can only lead to disaster in the construction industry for our unionized workers who have fought long and hard for the rights they've attained in the industry.

More important, I think it's an unfair and an undemocratic piece of legislation. When you take away rights the way you're going to be taking away the rights of these workers in the galleries today, it can be described as nothing less than unfair and undemocratic, and it's going to jeopardize the safety of workers.

In my next few minutes, before I pass the floor on to another member, I want to talk about the mobility and the naming issue. This legislation is going to allow 76% of the workforce to be either named by the contractor or the contractor will be able to bring the workers with him. I've got to think about Sudbury for a second here. I know that my friends who are bricklayers and plumbers and pipefitters and carpenters haven't worked for a very long time. I'll tell you right now, their opportunity to work is going to be even more limited. They won't even be able to work in their own community, because of the mobility and the naming provision which are found in this legislation. Think about it: 76% of the workers who come to Sudbury are going to be able to be named by the general contractor or be brought into Sudbury by the general contractor, which only allows the hiring hall to place 24% of its workers.

1710

We all know which workers are going to get named. Those are the guys who are going to be compliant and certainly those are the guys with the strong backs and the big arms. And do you know who's going to suffer? The guy who maybe spent 25 years in the industry and may have a bit of a sore back or a sore shoulder, or the very young, who are just starting and don't have the speed on the line or build a fast corner so we can hurry up and get the building bricked.

I suggest to you, and I pleaded this from the very beginning, that the government look at that mobility and the naming issue, but I don't think it's going to happen. So we'll have to continue to fight against this legislation. We're going to have to continue, and we will continue, we're committed to continuing to fight the anti-labour legislation which this government has passed in the past and will be passing in the future.

We believe there must be fairness and balance attached to all legislation. Dalton McGuinty and the Ontario Liberals are committed to that. We've said that since 1995, when we opposed Bill 7; we say that tonight again as we oppose Bill 69.

Speaker, I turn my time over to the member for St Catharines.

Interjection.

Mr Bradley: The member tells me my collar's up at the back, and that's not the only thing; I'll tell you, the hair on the back of my neck is up as well when I see the kind of legislation that's before this House today.

It's part of a pattern that's developing now in terms of labour legislation. I can remember the former member for Niagara Centre, Frank Sheehan, was proposing a lot of labour legislation before the cabinet. Even though he wasn't a member of the cabinet, he seemed to have a good deal of influence, because he was the chair of what we call the Red Tape Commission. Members around here will know that the Red Tape Commission, of course, was established to weaken many of the laws of the province of Ontario that a lot of people believe are there to protect the people of this province. The best example I saw was some of the environment legislation that was changed as a result of the Red Tape Commission recommendations. In fact, they wanted to make those changes somewhat earlier.

I know the member for York West has some information that's of particular value to me this afternoon. What this reminds me of, this atmosphere—a lot of people perhaps thought when the Harris government was first established that they were going to be favourable toward labour. I could understand that. A lot of the things that the government might have been saying at the time were attractive to members of the trade union movement at the beginning; some of the policies were attractive. But what you find out when you vote for a particular party is you have to buy the whole package.

That reminds me of the Alliance party, because they would bring in similar legislation. You know, there are a lot of people out there who may be saying tonight to people in the trade union movement, "I like this specific policy that the Alliance party has," or that particular rant that they've heard from one of the candidates. The problem is that you have to buy the whole package; you have to find the hidden agenda that's out there. A lot of people from the trade union movement did not recognize that this government was going to bring in the kind of legislation it has, that the Minister of Labour, at the behest of Guy Giorno—who is the henchman for the Premier of the province of Ontario, the chief idea person for the Premier of Ontario—that he would be insisting that the Minister of Labour put the gun to the heads of the leaders of the construction unions in this province, to say, "You must accept certain provisions of this bill or indeed we'll have something worse for you."

Now, it was always held out that the Rand formula would be removed. Don't put it past the people on the other side to remove the Rand formula. My guess is—and as I look around I see some smiles on faces—that there are members of the government caucus who indeed would like to see the Rand formula removed, that is, the automatic check off so that anybody who is getting the benefits of being a trade union member would have to, of course, ensure—

Interjection.

Mr Bradley: The Minister of Labour, out of his sea asked what the bill is. It's part of a labour package I see you people establishing. I can tell you there are a lot of people worried out there, with justification.

Along with the member for Niagara Centre, I attended a meeting at the plumbers' union hall in Thorold, Ontario. It was a packed house. Construction workers from across the Niagara Peninsula were in attendance. They were worried. Their leadership was worried as well because they could see a situation where the government was ultimately going to betray the members of the rank and file of the various unions that were represented.

Interjection.

Mr Bradley: The member asks if I am speaking about one piece of legislation alone. No. I recognize that there are many pieces of legislation that we should be concerned about, Bill 69 of course being one of those pieces of legislation.

Mr Bartolucci: Bill 7.

Mr Bradley: Bill 7 is another example. The member for Sudbury points that out.

So when you look at some of the documentation produced for this government by the Red Tape Commission, some of the recommendations, one can envisage that this government eventually would prefer a circumstance where there are no trade unions in this province to bother their business friends.

Now all you have to do, if you want to find out where the pressure is coming on for this legislation and other pieces of labour legislation, is sneak in the back door of the Tory fundraiser. What is it, some \$500, \$600 a ticket to get in there? And all of the people who want to see labour legislation changed to favour management or business are there with their cheques to write out for the Conservative Party. In fact, I have said on many occasions that there would be a building boom in Ontario because they'd have to build bigger halls so the Tories could hold their fundraisers for the wealthiest people of this province to contribute to them.

Of course they've geared their policies to the wealthiest people.

Interjection.

Mr Bradley: The member for Kitchener Centre—that's correct, who's not in his seat and who interjects—would understand that basically this government is there to protect the interests of the rich and the privileged.

I see the same thing with the Alliance party. I see people who are attracted to them. Not all the Conservatives over there, the so-called Conservatives on the other side of the House, are attracted to the Alliance party, but there are people who have seen, as I say, one or two attractive proposals in their set of proposals. But when you're voting you have to buy the whole package, so I would say there are probably some people on the government benches here who support the Alliance party who want to see the old age pension changed. There's talk of privatization of the Canada pension plan. There's talk of removal of social security, and I worry about that as well. I worry very much about that because nobody wants to mention it. The leader doesn't mention it and you can't easily find it in the policy document. But once in a while, it seems every second day, a member of the

Alliance party would blurt out something he or she wasn't supposed to.

1720

On one occasion, the candidate in Winnipeg South Centre, I believe it was, said there was an "Asian invasion" in this country. She had to withdraw as a candidate. That was an insult to thousands upon thousands of people who have emigrated to this country and are making an outstanding contribution to this country. On the next day, somebody was making a comment about the "conquered people," that is, the native people in this country. We worry about that. That's the kind of thinking that comes into legislation of this kind. The Speaker was worried that I was moving a little off the topic before us today.

Hon Mr Stockwell: What about Elinor Caplan?

Mr Bradley: The member interjects, and I have to probably respond to the interjection. The Speaker says no. The member mentions Elinor Caplan. I notice in the latest edition of—what's the one that comes out of Ottawa?—the Hill Times, Dalton Camp, a former member of the Conservative Party and eminent writer, probably the best columnist we can find today, says maybe she was right, because he lists all of the instances where people have blurted out in various places.

Hon Mr Stockwell: I can't believe you're saying it.

Mr Bradley: Well, I'm saying it. This is what Dalton Camp says.

Interjections.

Mr Bradley: I'm facing interjections, as you can see.

The Deputy Speaker: You might want to return to Bill 69 more precisely.

Mr Bradley: I will, to indicate that the members of our party are very much opposed to it; you know that. We are particularly opposed to a specific amendment we believe is going to be detrimental to members of trade unions in this province. I heard the Minister of Labour, in his lengthy address to the House, where he took the entire time for the government, mention that he understood that the construction sites where there are unionized employees are the safest in the province. Surely one of the things we want to see happen in this province is safer and safer construction sites, and it is members of the trade union movement who are there to try to ensure that those sites are in fact as safe as possible. The minister admitted that was the case. Yet we see a circumstance where this government wants to see fewer unionized sites than is the case at the present time.

The proposed amendment to Bill 69 which would give the government unfettered power to cancel all collective agreements across the province in the construction field contains what I would call unprecedented power. The will of the cabinet can cancel any collective agreement. It's pretty radical to have the cabinet with that power—not individual members of the Legislature but the cabinet. Again, you will notice that—because these people I consider as essentially the same as the Alliance in many ways. The Alliance party, as you would know, Mr Speaker, says that individual members should have

power; like Mr O'Toole, the member for Durham. But he's not in the cabinet—I think he should be—so he would not be able to cancel this construction collective agreement. That is a problem.

This is unfair and undemocratic, though I must say it fits in with the general tenor of this government, because you will remember that in this government we have changes to the procedural rules of this Legislature which essentially remove all of the bargaining chips from the opposition. Now they want to remove the bargaining chips from members of unions when they wish to have a good collective agreement, when they want to ensure that the worksite is safe.

This places workers' wages and jobs in jeopardy—make no mistake about that. This is contrary—and this is important for all of us to remember—to what was agreed to in the industry discussions surrounding Bill 69. This amendment could be dubbed 1(4) through the back door.

I must say I'm not surprised by it. I don't know whether the Minister of Labour was sandbagged in the backrooms or whether it was his initiative that changed this. I suspect it was people in the cabinet who are even to the right of him in their philosophy, if it's possible for anybody to be further right than the Minister of Labour. He's more of a practical person, I have found, than some of the ideologues we have over there. But make no mistake about it: this is an attack on labour and it's part of a pattern, and it's what we see.

I'm trying to determine whether I would have three or four more minutes. I know my friend from Sudbury will guide me in that regard.

Bill 69 allows companies to carry with them into our various areas 40% of the workers required for a job. People locally are very concerned about that. Bill 69 could reduce wages and worsen working conditions by allowing employers to apply to a government-appointed arbitrator to gut your collective agreement, including wage cuts—clearly not fair.

Bill 69 could allow employers to pick and choose up to 75% of the required workforce from the hiring hall. We know they will pick the company favourites and not hire anyone who is seen as a troublemaker or a union activist. Older workers could also suffer, as they may not get picked.

Bill 69 makes collective bargaining meaningless by legislating hiring hall provisions in a collective agreement and allowing a government-appointed arbitrator to gut construction collective agreements after the agreement has been negotiated. What on earth can we expect next?

"Premier Harris is forcing the building trades to do his dirty work by forcing us," that is, the people who are in the building trades, "to voluntarily tear up their bargaining rights with Ellis-Don and the seven other general contractors in the province."

Supporting Bill 69 only helps the Tories to get re-elected for those particular people. We know the Tories will use building trade support to show the public that they are a pro-union and pro-worker government.

They're trying to, some people would say, "fool"—I couldn't use that, because that would be unparliamentary, but some people might say they were trying to fool the people of the province.

When I look at this legislation, Bill 69, along with other labour legislation before us—there's a provision I saw in labour legislation which said, for instance, that you now have to post in the workplace how to decertify a union. If you wanted to be fair, then surely you would also require that you post in a workplace a provision that tells people how to become certified, how to become part of a union and how to have that union accepted by the Ministry of Labour and the Ontario Labour Relations Board.

Bill 69 is the first step in this government's political agenda to crush the labour movement in this province. Mike Harris and his cabinet minister will be using Bill 69 as the caveat for labour changes in this province. They intend to make members of the construction industry, in effect, mules for their political agenda. The Harris anti-worker, anti-small-community, anti-labour caboose will be going to every unionized worker and telling them that they no longer have a right to be protected; they no longer have a say in their working terms and conditions. This is something we might expect in some state in the United States, where we've seen these kinds of laws, somewhere like Tennessee, Alabama, Mississippi or Louisiana. This is not what you expect to see in the province of Ontario.

I warn those who think this is good legislation, it's not. I warn people who are thinking of voting for the Alliance party in today's election that this is the kind of legislation you would get out of the Alliance party. Workers who think they would be better off should know we've seen the Alliance party in power in this province, and the result is Bill 69 and other anti-labour legislation. I think we should do everything in our power to prevent this legislation from becoming law.

The Deputy Speaker: Further debate.

1730

Mr Ernie Parsons (Prince Edward-Hastings): One of the challenges for people, whether in the labour movement or whether in the general public, is to realize that this government talks in code. A bill that sounds like it's going to do one thing in fact does another. One of the phrases that I think is particularly cute is, "give the opportunity." This government has given the opportunity to seniors to co-pay on their drug plan. They're going to give labour in Ontario the opportunity to work 60 hours a week, and they're giving them the opportunity to work 132 hours over three weeks before they're eligible for overtime.

This government is saying, "We're trying to balance between the large construction firms and unions, while at the same time protecting union rights." Before we accept what they're saying, we need to think about the example they've set. Shortly after its election in 1995, this government was engaged in a major battle with OPSEU, the Ontario Public Service Employees Union—a rather

bitter strike where the union was trying to protect the rights they had, and the government eventually signed a contract that purported to do that.

What's the effect of that? They've privatized the highway maintenance work. They are privatizing the jails. They're looking at allowing privatized police forces. They are going to do everything they can to get rid of the union, only they're having to use a different route than they initially had.

While I was initially tempted to say this government is at war with unions, I believe the reality is that this government is at war with labour. They have created a situation where it is not politically popular or wise for a member of this provincial Parliament to publicly speak in favour of teachers, to speak in favour of unions. The impression is given that these are groups that really are disenfranchised in some ways. This government coined that cute phrase "union boss," which infers an individual who makes everyone in the union do what they tell them without recognizing the reality that union officials are democratically elected on a regular basis by their members. Instead of "union bosses," we're talking about individuals who are in fact the voice of their members. The phrase "union boss" in fact goes against the sense of democracy that we have.

We're seeing a major attack on unions in this bill at a time when construction is booming, when contractors are doing extremely well financially and where the contractors' concern is, if Toronto is successful in getting the Olympics, will there be sufficient labour to complete those projects? The challenge will be too much work, not a lack of work, and not starving construction companies.

This is taking place at the same time as we're seeing an aging of members of the skilled trades. The baby boomers are now in their fifties and are leaving the trades and the professions, and the challenge is to bring more in. This bill won't do that. This bill does quite the opposite.

I've spoken to plumbers, electricians etc and they're telling me that their members have average ages in the mid-fifties. That should be of grave concern to us in Ontario. We should be worried about the labour situation in these trades in the coming years, not trying to discourage people from being in them. At the same time, this government should be aggressively trying to attract young people into the trades.

We are living, unfortunately, in a climate that says if you go to university, if you go to college, you're a certain status of person, and all too often we're watching people who don't want their sons and their daughters to go into what are called, for lack of a better phrase, the blue-collar trades. I have a brother who's an electrician. I'm very proud of him. We can drive by so many things that he has worked on and contributed to. There is absolutely no difference between the various jobs. But this government, rather than attacking labour, should be helping to market what value they are to this province and how much they contribute.

I accept the numbers that there are fewer contractors now than there were 20 years. That's indisputable, as the

Minister of Labour said. But I would suggest to you, on the other hand, the eight contractors that are left are extremely powerful. They control so much of what happens in Ontario that they're not out on the street begging. They have done very well out of it.

What we're seeing is a trend with this government to want to make a minimum-wage Ontario. There seems to be a drive for everything to lower the wage. This is from a government that wanted to increase MPPs' wages by 42% and is putting forward a bill saying that unions are being paid too much—not a great example.

Mr Wayne Wettlaufer (Kitchener Centre): We have the numbers over here, remember.

Mr Parsons: You have the numbers over there. You have the contributions from large companies that we will never have. We acknowledge that. The member from St Catharines—

Hon Janet Ecker (Minister of Education): Check your donor list, Ernie. Check your donor list.

Mr Parsons: Minister of Education, you really need to read the school code of conduct before you interject in this.

The sense that people who are in the building trades make huge dollars is an absolute falsehood. You can drive by a construction site and see people working, and you may have a sense of how many dollars an hour they make, but the reality, from my own personal observation, is that we live in Ontario and there's nowhere near as much labour taking place in January and February as there is in June and July. So the incomes that are presently received by union members are not exorbitant, they're not out of line.

But what do they do with all of their money? The sense is it goes to union dues to make union bosses wealthy, in the phrase I mentioned earlier. We hear so much about safety and how construction sites are safe, but the reality is that construction sites, by their very nature, make that one of the more hazardous jobs. I watch the energy unions put in to make safe work sites. Union dues don't simply disappear into vapour. Union dues are used for worthwhile things for their members.

I worked in highway construction at one time and I had been unfortunate enough on a number of occasions to witness fatalities. I suggest to members in here that in fact it is a fairly hazardous occupation. I have stood on the 401 here in Toronto at 3 in the morning doing repairs on pavement, and it was a scary proposition. There are very few of us who would want to be an ironworker 10, 15 or 40 storeys up in the air. By its very nature it is unsafe and it is unions that have fought for safety. It's the unions that continue to work for safety. That costs money and that's where some of the dues go.

I have had the privilege of touring a number of union training facilities. We have a government here that has now been dragging on for two years the signing of a training agreement with the federal government because they evidently don't value the training as much as people in the trades do. The trades do a superb job of operating training facilities. I have been in some training facilities

that provided services for retired members. The union dues and the wages being paid to these members have made a quality of life that's viable to maintain them in the field.

This bill, as have so many others, has typically had a real lack of consultation in it. We hear there's agreement, that unions have agreed to it and that big business has agreed to it. It was agreed to in fear. It was agreed to in desperation because of the threat of what else would happen, though I would suggest the amendment is going to make probably the biggest fear.

It essentially serves the eight general contractors. I can assure the public that if the eight general contractors hadn't at some stage said, "We can live with this," this bill wouldn't be before us. We'd heard it was being withdrawn and it wasn't going to come forward, and here it is for third and final reading tonight, so I'm confident the general contractors are comfortable with it. It is employer-driven.

The amendment is unprecedented. The amendment that centralizes power with the cabinet is absolutely wrong. There is an expression that I believe applies with very few exceptions and that says, "The revolution is followed by the dictatorship." We've had a revolution, the Common Sense Revolution, which was bought and packaged—

Interjection.

Mr Parsons: Yes—bought and packaged out of the US, and we're now seeing the dictatorship phase where legislation after legislation comes before this House—and I don't think the average member of the public realizes what happens when you get a gang of 57 or 58 bullies who can pass through any regulation they want.

1740

This gives power to cabinet that truly should never be granted. If we have a democracy, a change that is good and positive for Ontario shouldn't have to be sneaked through the back door by cabinet. It should withstand the glare of light, it should withstand public hearings and it should withstand debate in this House if we have democracy and if there is a reason for this Legislature to be here. I know that at times we on this side are a nuisance to the other side with the statements we make and facts we bring out. But if we truly believe in democracy, then any legislative changes would pass it.

The legislation says a regulation will be produced. What is that regulation going to read like? Exactly what will be in it? "Trust us." This government pledged to bring in the Ontarians with Disabilities Act in its first term. We are now a year and a half into the second term and still no bill. "Trust us" doesn't hold a lot of water any more. Some promises are kept; some promises are not. Clearly this one should not simply pass with a blank cheque for a regulation that may or may not be written. If it is written, exactly what will it look like?

There is already a great deal of flexibility in Ontario. Right now, whatever agreement is signed in Toronto can be renegotiated and is renegotiated across the province to reflect local working conditions. The key word in that is

"negotiated." The parties sit down and each has equal power. They are on a level playing field to renegotiate that agreement. To say it has to happen now simply doesn't make sense, because there is already the power to do that.

There is another clause that bothers me considerably. I am from a predominantly rural riding outside the greater Toronto area, and I read that employers will now be able to bring up to 40% of the workers for a project from outside the geographic area where the contract is located. In a rural community—certainly in my area and a number of other areas—it could well be the death knell for the trades if they can bring in 40%. People who are in the construction industry in my riding don't live in Prince Edward-Hastings because they're not allowed in Toronto. They have chosen a lifestyle and they have a solid reason for working there. It makes great sense to me that they be provided with the opportunity, and not that a contractor can come in from anywhere in Ontario and bring their people with them, while at the same time 40% of the jobs will not be available to our people, who pay local property taxes, who support local activities and who are citizens of our community.

Then we go on: of the remaining 60% of workers who will still be local, the employer will be able to select up to 60%. The net effect will be that contractors will be able to choose 76% of all workers, with the union selecting the remaining 24%.

There is a reason for the unions having the ability to choose workers. There is a reason for the unions being able to determine who will be on a job site. I don't think any contractor would deny they're in business to make money. Employees who make trouble over safety and who are unprepared to undertake a job they believe to be hazardous are just not going to be picked in this 76%.

All these bills are tied together. We've got legislation coming that says employees will be given the opportunity to work up to 60 hours a week. I don't think there is a lot of choice on their part. I can assure everyone that if an employee says, "I don't want to work 60 hours a week," they're simply not going to be picked for the next job.

We in this Legislature can be tired. I'm sure going door to door for the Alliance was exhausting for some of the members. In the construction industry, to be 20 stories above ground and tired is potentially fatal. The need to be able to say no, for their safety and for the safety of the job. Yet this bill will essentially take that away, when you combine it with the fact they can voluntarily choose but the employer can choose who will be on the site. So when someone in the trades chooses to not do the out-of-line requests, there will be a penalty for that. It means that in rural communities, in communities like Sudbury and Belleville and Picton and Kingston there is a potential for the citizens who are in the construction areas in our communities to be out of work to affect them, to affect their community, to affect the families. This has the potential to be the death knell for labour in much of rural Ontario, and for what?

We've got the very best of times going on in construction. I hear over and over that the economy is booming. I don't want to keep using that phrase but, ladies and gentlemen, as an engineer, if it ain't broke, don't fix it. The construction companies are making money, and that may be the key: not enough money. It used to be that if a company made money, things were good, but now it's more: "We need more. We've got to make more money." Things are running smoothly. The members over there assure me that Ontario has never been better than it is right now. I certainly would question that on areas like education and health care, but the reality is that the construction industry is doing well. We have the most highly skilled workforce you can imagine. We have trades and individuals who are well motivated. You speak to employers and they speak about the work ethic that exists among our people.

This bill is a bad bill. It doesn't deserve more debate; it deserves to be withdrawn.

The Deputy Speaker: Further debate?

Mr Sergio: I'd like to add some comments on Bill 69, which, I think with Bill 139 on which we have seen the debate last week, does a couple of major things: the decertification of unions, taking away the rights that construction workers especially have conquered, if you will, over the last 40 or 50 years. I think this is setting back the clock for many years, unfortunately, especially for the working conditions and standards in our construction fields.

We have seen it before. It is the power that the Premier, the minister and the ones behind the closed doors, the advisers, will amass upon themselves. As we have seen in Bill 139, they can practically terminate a contract, within a particular given time, at any time, anywhere. This is totally unheard of. But regardless of what name they give to a particular bill, when they come into the House and say, "Mutual consent is here and we have the approval, the sympathies, the vote of the construction people up there," I wish we could really test this consensus. I wish that the minister would come in the House today and say, "You know what? I think the bill is too important to let it be debated here for a day or two without giving an opportunity to the outside people, those who really count and make the difference." That is why we are here, to give them that opportunity. I think it would be important to get to the nitty-gritty, the causes and the consequences of passing Bills 139 and 69, because they deal with one fundamental thing, workers' rights, and it's important.

If we didn't have those unions out there that offered protections, safety on the job, we would not have the same conditions that we have today. Last year, 18 out of 20 deaths were caused in non-unionized places. There must be a reason, and it must be a good reason. It's because of what the unions are doing and what they have been doing in protecting the safety and standards of the workers out there that 250% more of the casualties, injuries and deaths occur on non-unionized sites. There must be a reason.

Did the Premier and the minister take that into consideration? Probably not. Did the Premier take into consideration how this is going to affect the workers and their families and their kids? I think they have to look at that, because they are construction workers. It doesn't matter who they are or where they are, they also have responsibilities and they should be allowed to live in the same conditions of decency as all the others, with the same opportunities.

1750

This government is taking those opportunities away. I have to say, sadly, that when the member from Glengarry-Prescott-Russell introduced his own personal bill with respect to the working conditions that this government continues to expose our Ontario workers to, small business people in Ontario allowing individual workers and companies from Quebec to come and work in Ontario unimpeded, they did not approve the legislation that is sitting on the other side. Why don't they do that? Construction workers and companies from Quebec can cross the bridge and come to work in Ontario, and that's OK; that's the way it should be. We should not have closed borders; we should welcome all of them. But it should be the same for the workers and companies when they travel outside the Ontario borders: unimpeded. They should not have to go to school, take a licence and pay fees.

That is curtailing the opportunities and the rights of the workers in Ontario when they get across the border and go to work in Ontario. Minister, you did not yet approve that particular law, which was passed in this House. They did not approve that particular law. This is the government that wants to offer protection to the workers in Ontario.

Where is the fairness? Where is the balance? We believe, and we have been saying it in the House, and Dalton McGuinty, our leader, has been saying that we have to be fair; we have to create a good balance. We don't need a crisis, especially at this particular time.

We hear the government say, "We want business. We want the people to come here. We want the people to invest." Of course. Who doesn't? We all want that. But again, if we do that and if we want to attract that, who is going to keep our economy growing? Who is going to produce our produce? Who is going to be building our homes and roads and what have you? Our people. So especially when the economy is booming, we shouldn't be taking those rights away from those workers.

I would think that in a healthy economy, in a very healthy time, this is the last thing a government would be thinking of introducing. What is their reason? It is that slowly they want to take over. The power they have amassed as a majority government is not enough. They want to do it, and no matter what we say here, no matter what the workers out there say, they are going to do it. When it comes down to it, it is reducing the working conditions, the working standards, the wages, the safety on the job sites, those very important aspects that are paramount to a very health economy, a very healthy

workforce, healthy working families, happiness, no crisis. Why would we be looking at a crisis at a time when we need more construction workers?

It's funny that the minister says, "So what if they're going to be taking a few less dollars?" Isn't that nice. It's not a question of taking just a few less dollars. It's that they will be creating such an aura, such an atmosphere that they will be fighting out there for lower wages. Is this what we want to be labelled as in Ontario, a haven for lower wages and reduced working conditions? I don't think so. But indeed, this is what this government will be doing with this bill.

Interjection: That's the plan.

Mr Sergio: That is the plan. But most important, do you know what is sad? I believe that at some time or other we have all had an opportunity to visit construction sites, especially building homes and apartments and stuff like that. I'll tell you, they are messy. I wonder if we have calculated the cost of injuries to our working people, injuries that not only affect that particular worker. It affects everybody down the line, especially the families, especially a family with young kids. They all have the same aspirations but also they have the same expenses that we all do. They have a mortgage, they have to send kids to school, university, groceries, they have to buy a car, they have to pay for very expensive gas. Those are the things that I think we should be concerned about, and there is nothing in Bill 69 which addresses these particular situations.

So if there is unrest out there, if we had workers in here today who show uneasiness, if I may say, they have a right. Absolutely they have a right, because they are looking at the government for continued protection, for assistance, for safety on the job, for good working conditions, for harmony out there, and they are looking at a government now that is totally neglecting its responsibility when it comes to our construction workers out there. And it's unfair.

In concluding my remarks, let me say that, no, we cannot support this bill, as my previous colleagues have said. We cannot support this amendment to the Labour Relations Act. It's most unfortunate and I hope the minister will reconsider and—

The Deputy Speaker: Thank you. Questions or comments?

Mr Christopherson: I appreciate these two minutes, given that that's all I'm going to get as a result of the Liberal motion earlier, a rather frivolous motion that wasted 30 minutes of the time of this House, where the resulting vote was a natural given, given the majority

here. All they achieved was to deny the third party at least an opportunity to participate in the debate. I think that's regrettable. Whether they did it deliberately or not I don't know, but that is the end result and it is regrettable because we have as much to say about this bill as they do.

Let me say that one thing I haven't heard referenced yet today, and it really goes to the heart of all of this—earlier I mentioned the threat of removing 1(4) and the predominant role that played in forcing the unions to come to the table and attempt to even enter dialogue with the minister and with the employers. That's a significant part of this. One step further behind the scene, and I've raised this in earlier debate, is the fact that the eight general contractors, at the end of the day, are the real, significant, grand slam winners in Bill 69.

It's no coincidence that this government changed the election laws and the funding of provincial elections so that corporations could contribute 50% more money than they used to be able to. They did that unilaterally, without the support of the opposition parties, where traditionally, historically, there was always three-party agreement. They did it unilaterally and their corporate friends were allowed to contribute millions of dollars more than they could before, and guess what, the eight general contractors—of the \$12 million this government received in corporate contributions over the last few years, over \$100,000 came from the eight general contractors alone.

I leave it to the people of Ontario, why do you think they're putting this bill through?

The Deputy Speaker: Pursuant to the Order of the House dated November 14, 2000, I am now required to put the question.

Mr Stockwell has moved third reading of Bill 69, An Act to amend the Labour Relations Act, 1995 in relation to the construction industry.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, they ayes have it.

Call in the members. This will be a five-minute bell.

I have a letter stating that the Bill 69 vote will be deferred until tomorrow at the deferred section of routine proceedings.

It being past 6 of the clock, this House stands adjourned until 6:45.

The House adjourned at 1800.

Evening meeting reported in volume B.

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Garfield Dunlop, Raminder Gill, Pat Hoy,
Frances Lankin, Bill Murdoch
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CONTENTS

Monday 27 November 2000

MEMBERS' STATEMENTS

Occupational health and safety	
Mr Gravelle	5797
Skills training	
Mr Hastings	5797
Hospital restructuring	
Mr McMeekin	5797
Health care funding	
Mr Kormos	5798
Ramadan	
Mr Gill	5798
Canadian Alliance program	
Mrs Dombrowsky	5798
Firefighters' awards	
Mr Maves	5798
Adoption disclosure	
Mr Parsons	5799
Coldwater Curling Club	
Mr Dunlop	5799

FIRST READINGS

Highway Traffic Amendment Act (Photo-radar), 2000,	
Bill 148, <i>Mr Hoy</i>	
Agreed to	5800
Mr Hoy	5800

MOTIONS

House sittings	
Mr Sterling	5800
Agreed to	5800

ORAL QUESTIONS

Ambulance service	
Mr Phillips	5801
Mrs Witmer	5801
Environmental protection	
Mr Bradley	5802
Mr Newman	5802
Emergency services	
Ms Lankin	5803
Mrs Witmer	5803
University labour dispute	
Ms Lankin	5804
Mrs Cunningham	5804

Services for abused women

Mrs Bountrogianni	5804
Mrs Johns	5805

Social assistance

Mr Stewart	5805
Mr Baird	5805

Highway 407

Mr Crozier	5806
Mr Turnbull	5806

Municipal elections

Mr O'Toole	5806
Mr Clement	5806

Speech-language services

Ms Churley	5807
Mrs Witmer	5807

Highway safety

Mr Hoy	5808
Mr Turnbull	5808

Living Legacy

Mrs Molinari	5808
Mr Snobelen	5808

Ministry of Correctional Services contract

Mr Levac	5809
Mr Sampson	5809

Property taxation

Mr Chudleigh	5809
Mr Eves	5809

Homelessness

Ms Churley	5810
Mr Clement	5810

PETITIONS

Northern health travel grant

Mr Bartolucci	5811
Mr Gravelle	5811
Mr Bradley	5813

Veterinary services

Mrs Dombrowsky	5811
----------------------	------

Services for the developmentally disabled

Mr Crozier	5811
------------------	------

Highway safety

Mr O'Toole	5812, 5813
------------------	------------

Photo radar

Mr Hoy	5812
--------------	------

Registration of vintage cars

Mr O'Toole	5812, 5813
------------------	------------

Ramsey Industrial Road

Mr Brown	5812
----------------	------

THIRD READINGS

Labour Relations Amendment Act (Construction Industry), 2000, Bill 69, *Mr Stockwell*

Mr Stockwell	5814, 5824
Mr Duncan	5824
Mr Christopherson	5823, 5833
Mr Galt	5824
Mr Sergio	5823, 5833
Mr Bartolucci	5824
Mr Bradley	5824
Mr Parsons	5824
Vote deferred	5833

OTHER BUSINESS

Government appointments

The Speaker	5799
-------------------	------

Status of Bill 119

The Speaker	5800
-------------------	------

Adjournment motion

Mr Bartolucci	5811
Negated	5811

TABLE DES MATIÈRES

Lundi 27 novembre 2000

PREMIÈRE LECTURE

Loi de 2000 modifiant le Code de la route (radar photographique)	
projet de loi 148, <i>M. Hoy</i>	
Adoptée	5800

TROISIÈME LECTURE

Loi de 2000 modifiant la Loi sur les relations de travail (industrie de la construction), projet de loi 69, <i>M. Stockwell</i>	
Vote différé	5833

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Monday 27 November 2000

Lundi 27 novembre 2000



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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 27 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 27 novembre 2000

The House met at 1845.

ORDERS OF THE DAY

CORRECTIONS

ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR

LA RESPONSABILISATION

EN MATIÈRE DE SERVICES

CORRECTIONNELS

Mr Sampson moved second reading of Bill 144, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole / *Projet de loi 144, Loi visant à instituer la responsabilisation au sein des services correctionnels, à obliger les délinquants à démontrer qu'ils ne font pas usage de substances intoxicantes, à fixer les règles que doivent suivre les délinquants pour mériter leur libération, à permettre à la Commission des libérations conditionnelles d'intervenir dans les décisions en matière de libération méritée et à changer le nom de la Commission des libérations conditionnelles.*

Hon Rob Sampson (Minister of Correctional Services): I'd like to mention that some of my colleagues will be speaking on this bill on behalf of the government, including Mr Clark from Stoney Creek and Mr Mazzilli from London-Fanshawe. Is that correct, guys?

Before I proceed, I want to welcome some distinguished guests in the members' gallery, outfitted in their regalia, members of a scout group from Mississauga. If somebody were to slip me a note, I'll get your group recognized on the record of Hansard. Fill out a note and have it sent to me, and I'd be happy to put that on the record of Hansard.

There goes Mr Kormos, who quite regularly helps out the government, I should have you know.

Speaker, I know I should be speaking to you on this bill, and I will certainly—

Mr Peter Kormos (Niagara Centre): Troop number 44, Mississauga.

Hon Mr Sampson: Troop 44 from Mississauga is here. I certainly want to recognize this tremendous troop.

You are seeing government in action here. Actually, I'm quite pleased to be speaking in front of this scout group on this bill, because it will impact the lives of many Ontarians, including the members of this scout group, who I hope will never be in one of our institutions but who will certainly recognize the need to make sure we have effective and efficient correctional facilities in Ontario to deal with those who, as deemed by the courts, need to spend some time in jail because of crimes they have committed.

I want to start by saying right off the bat that the legislation before this assembly today is a key component in our efforts to reform the correctional system in Ontario into a system that is efficient, because we are spending your tax dollars in running these facilities, and effective, because of course we need to make sure we have safe and secure facilities that deal with the challenges of the individuals who are sent there for correcting.

We need to make sure they are publicly accountable. I've heard very clearly from the people of Ontario that they want a correctional system, not only run by the province, but also run by the federal government, which is accountable to the public that is asking them to do a particular job. Certainly, for those who live in and around a particular facility, for those who work in the facility, for those who have loved ones who work in the facilities and indeed for those who are there themselves, we need to make sure they are the safest they could possibly be. The bill before the House will be a key component in helping this government deliver on those objectives for correctional services in Ontario.

I should also remind the people watching today and my friends from Mississauga that there is quite a difference between the correctional system run by this province and the one that's federally run. Because this is election night, I don't want to get into the potential for politics in describing the difference between the two, but I think it's important for people watching and listening to this debate today, whether in person or on TV, or reading it in subsequent documents like Hansard, that we in the correctional system in Ontario are charged with dealing with inmates who have sentences that are less than two years, individuals who are awaiting the conclusion of a particular court case, individuals who are sentenced to institutions for immigration-related charges or individuals who are between the ages of 16 and 18 but have been sentenced to spend some time in jail. We are also charged with the responsibility of dealing with those outside the institutions who have been sentenced to spend

some time in community sentences. Those numbers are rather large. On any one day, 60,000 or more of those individuals are out serving community sentences, and those individuals are the responsibility—

1850

Mr Dave Levac (Brant): On a point of order, Mr Speaker: I request a quorum count.

The Acting Speaker (Mr Bert Johnson): Would you check if a quorum is present?

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker: Call in the members. It will be up to a five-minute bell.

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present.

The Acting Speaker: The Chair recognizes the minister from Mississauga.

Hon Mr Sampson: I thank the member from Brant for that interjection, and I assure him we'll do our best to make sure there are no similar objections while he is speaking. We'll give him that courtesy. He's apparently not prepared to—

Mr Wayne Wettlaufer (Kitchener Centre): On a point of order, Mr Speaker: Would it be in order to note there are no NDP members and only one Liberal member in the House at this time?

The Acting Speaker: That is not a point of order. The Chair recognizes the minister from Mississauga.

Hon Mr Sampson: I gather that is apparently a point of fact but not a point of order.

I say to the people watching and listening today that we have individuals who are sentenced to under two years, young offenders and those who are awaiting trial—and those numbers would be about 7,000 to 8,000 and sometimes 9,000 in our system at any one time—and about 60,000 to 70,000 under community supervision. We do not deal with those who have been sentenced to over two years. Those would go to a federal institution. I think it's very clear to understand at the outset, for the people listening and watching TV, that the bill before us deals with those who are serving two years or less. Again, the fundamental principle we have before us tries to bring some accountability into the system.

I know my colleague will do his delivery shortly, and will rant and no doubt try to lead this House to believe this bill somehow lies on the backs of individuals who work in the institutions to deliver services on behalf of the ministry, and I want to say at the outset that nothing could be further from the truth. I think we have many fine young men and women in the correctional system in Ontario, who are quite dedicated to the service, many for a number of years, and who have seen the principle of corrections swing back and forth between the concept of rehabilitation and, frankly, the concept that says, "Lock them up and throw away the key." They've seen that policy pendulum swing back and forth through the many years of service they have provided to the ministry, and I think they have worked very hard to deliver on that.

What we're trying to fix here is a system of corrections that in many cases has kept these individuals from doing the best job they could possibly do on behalf of the citizens of this province, who are paying their salaries and asking that various service levels be provided. What we're trying to fix here is a system that says we shouldn't be testing for drugs in an institution that people should be allowed to be released from jail early, based on some calculation of the number of days they've spent there; and that the rights and privileges of the inmates are above and beyond the rights and privileges of those who are outside the walls and are law-abiding citizens and those who are inside the walls and trying to deliver the service.

What this bill is trying to do is establish an accountability procedure, not only for those who are running the system, not only for those who are paying for the system, but for those who are in the system, indeed the inmates themselves.

One of the key components of this bill, and one of the key components of the accountability system we're putting in place, is one that will try to deal with—I've said "rampant"; I believe it is—the rampant presence of drugs, whether they be illegal drugs or alcohol—alcohol in a jail is illegal—in jails. This is contraband. It has entered the system and has become, on its own, a currency within the jail that allows inmates to take advantage of others who are unable to deal with that and frankly is terribly disruptive, not only to the stability of the security of the jails, but also I believe, and I think a lot of people believe, is disruptive to the concept of rehabilitation. How can you possibly expect success in drug rehabilitation programs when around the individuals who are taking those programs are drugs that will draw them back into their cycle of dependency?

Of course this bill is saying we should randomly test individuals, inmates in our correctional facilities and those on community sentences as well, especially parole, for drug use and the presence of drugs in general. I believe that's the right thing to do. In fact, a coroner's inquest into an unfortunate death in one of our facilities of late has come forward with a number of recommendations that relate to the presence and use of drugs in Ontario correctional facilities. One of them says that the ministry should undertake a study of the presence and procurement of illegal and contraband drugs in institutions, with a view to reducing or eradicating the problem. This bill before us today, which will be debated today and the next day, I understand, is indeed empowering the ministry with the appropriate tools to deliver on the recommendation of that particular inquest.

I say to the member opposite, who no doubt will want to talk about testing technologies and the latest and greatest of machines that can detect the presence of drugs in those going into and outside the institutions, it may well be we'll have to go there. It may well be that we should start to use that latest and greatest technology. It may well be that yes, I should say to the member opposite, the use of drug-sniffing dogs is something we

should look at. But the extent to which you employ those technologies has to be somehow related to the severity of the presence of drugs in the institutions. Those who have serious drug presence problems might require a different type or a different combination of technologies to help stop the flow of drugs into the institutions.

In those institutions where testing has indicated the presence of drugs is low to nominal to non-existent, the application of technologies would be better spent in other places. Before you start throwing solutions at the problem, you need to identify the problem and provide some incentive to those in the institutions to properly behave. I say the incentive is, frankly, a very simple one: those in the institutions, who know the testing program is coming, and it's a random program, are less likely to want to continue the frequent use of the drugs. It's very simple. If you don't test them and they don't know they're going to be tested, I argue they'll be more likely to continue the use of drugs. If you are testing and they know the testing will be random, they don't know whether it's today, tomorrow or the next day, then that will serve as a deterrent—not a complete and perfect deterrent; there isn't any. But that will serve as one of the components of a deterrent to the use of drugs in the institutions.

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I very much appreciated the support of the member from York North, who presented a resolution to this House just last week asking that serious consideration be given by this House to the application of random tests in institutions. It was a private member's bill that was supported by the members on this side and was not supported in unison by members opposite. I say to the members opposite, if you're not prepared to try to identify how rampant the use of drugs is in your institutions, then you become, I think, completely restricted in how you will apply drug-sensing technologies to make sure they don't come in.

There are two other components of this bill I want to talk to briefly and I know my colleagues will quite eloquently fill in in areas where I haven't had time to. But another component this bill will deal with is the concept of earned remission or remission in general. What is it that we mean by "remission"?

Again, just for a little bit of background for the people listening and watching today, our authority to run correctional facilities in this province is actually allocated to us by the federal government under two pieces of legislation that they have. One is called the Prison and Reformatory Act and the other is called the Corrections and Conditional Release Act. Some of these bills have been reviewed by senior governments, federal governments, year over year, but the fundamental principle of how we operate our correctional system is governed by those two pieces of legislation. One of the components of those bills talks about what is called in that bill "earned remission." It says every prisoner serving a sentence in our institutions shall be credited with 15 days of remission of the sentence in respect of each month that they've

spent in the institution. If you do the calculation and the math, it effectively turns out to be that if you are sentenced to a year, the moment you come in the door, you know by definition a third is lopped off at the end. You'll only really spend, under this particular federal act, two thirds of your time in jail. The other third will be earned through remission.

What does that mean? It means unfortunately that after the two thirds are up, we are obligated to open the door and out they go, totally unsupervised. The interesting twist to this is that the federal prison system operates under the same earned remission—we call it the "discount law concept"—but for them, for prisoners leaving a federal institution, the federal correctional system can supervise these individuals when they leave jail. Here's the way it works. If you're sentenced to over two years, you are still eligible for the remission at the end, the third off, but you will be subject to supervision, potentially, during that last third. Under the provincial system, if you are sentenced to two years less a day—so I'm only talking a difference of two days in the total sentence—a third off your sentence is granted to you. You'll leave the doors after two thirds and no supervision.

Mr Frank Mazzilli (London-Fanshawe): That's time served.

Hon Mr Sampson: "Time served," says my colleague, who knows this quite well. That's the discount.

Interjection.

Hon Mr Sampson: I say to the member, that's in fact what the federal legislation is saying to us. I say to the people watching today, you might ask yourselves, why is it that somebody serving two years plus a day has to be supervised during the last third, and what about the person serving two years less a day in our jurisdiction? It's a difference of two days in total in sentencing, yet one has to be supervised in the last third and the other doesn't. We think that's wrong. We've asked the federal government to change that. They have not chosen to do so. There was a proposal before one of the standing committees in Ottawa to change that, but that proposal was nixed by one of the parties that's standing for re-election now and may succeed in doing so.

But I say to the House, that's the environment under which we have to operate the correctional system. So what this provincial bill before us is saying is that given that federal legislation, we believe this business of the last third of your sentence off shouldn't be given to you like some sort of "get out of jail" card in—what's the game?

Interjection: Monopoly.

Hon Mr Sampson: The Monopoly game. Thank you. It shouldn't be a Monopoly game concept of "get out of jail" we're applying here. It should be something, if indeed it's appropriate, that is earned by the individual inmate during the time in which they are serving that sentence.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Good behaviour.

Hon Mr Sampson: And more than just good behaviour, I say to the member from Bramalea-Gore-Malton-Springdale. I say, and this bill says, it should be active and positive participation in the appropriate programming in the institution in which you are placed and the programming that has been determined by professionals who assess, day one, your needs for rehabilitation. And yes, it should be active participation in work programs in all institutions. So if you are assigned a particular work program, a particular work category in the institution, and you choose not to do so, then you do so accepting the appropriate consequences, and those consequences are a serious impact on your ability to earn remission. The concept of remission is very similar to what we've already established for parole, and that is that any release that's governed by parole should be earned as well.

Before I yield the floor to my colleagues, I want to speak—because I know my colleague from across the floor in his delivery will do so—to those points about the concept of partnering with the private sector and the provisions that are in this bill that allow us to govern the way in which we could choose to do so. I say to the members opposite—

Interjection.

Hon Mr Sampson: Thank you very much. The minister is actually quite helpful. Thank you very much.

I say to the member opposite, what we're trying to do here is ensure that—

Mr Ernie Parsons (Prince Edward-Hastings): The key word is "trying."

Hon Mr Sampson: The member opposite says the key word is "trying," and I say to the members opposite, the principle we're trying to deliver here is one that is very simple.

Mr Parsons: It would have to be.

Hon Mr Sampson: Well, I'm making it simple because I know I'm speaking to you across the floor today, but we're making it simple because it is very simple. We believe that the focus in corrections, and in fact in many of the government services that are being provided, is that you need to take a look at results and focus on how to get those results and not spend a lot of time fussing about who's doing it. What people are looking for is the results. The people of Ontario are expecting a safe and secure correctional facility, one that's effective and efficient and publicly accountable.

Now, members opposite will say that can only happen if government's running it; that's the only way it will happen. They'll start to raise all sorts of statistics from the old "government should be the monopoly of everything" book. Our point of view is, and the fundamental principle here is, that we don't believe government has a monopoly on delivering all that's good in business and all that's good in the province. We believe the private sector doesn't have a monopoly on that either. In fact, both should compete actively and aggressively to deliver the results that people are expecting from correctional services in the province of Ontario.

They'll stand up and say, "Well, there have been all sorts of failures in the running of private jails and prisons across the country, across the globe," and I've said publicly, "Yes, there have been failures. You're right. Yes, there has been some partnering with the private sector that has not worked." I'm saying that now and I've said that for some time. I'm prepared to concede that, but the members opposite, by definition, are trying to lead this House to believe that therefore the public sector can only deliver good services. Then I say to you, your argument is flawed.

1910

Interjection.

Hon Mr Sampson: Oh, so everybody is bad at delivering it, is that your point? I say to the members that they can take their view and they can take the information that's been supplied by those who feel their ox is being gored by having a private operator involved with delivery of services, but what you need to do is take a look at some of the independent research that's being done on the operation of private jails across the globe. In all my reading and all my discussions and debates with others on privatization, however, I can say with confidence that in no area have I found any potential problems with private prisons that is not at least matched by an identical or closely related problem from among prisons that are run by government. "Privatization raises no unique or truly new issues for prisons. It offers some new solutions." That's Charles H. Logan, University of Connecticut, from an article he wrote just recently. He goes on and on, saying the—

Mr Parsons: Who's he?

Hon Mr Sampson: I say to the member opposite, you have your experts that you stand up. Why won't you listen to some of the other evidence that's being proposed? Your criticism to me is that we stand on ideology. I say to you that your ideology is: only government can deliver good services; the private sector cannot do that. That's your point. I say to the members opposite who have raised, many times, some evidences of problems in private jails—that's right, some evidences.

Mr Rick Bartolucci (Sudbury): Overwhelming evidence. Check California.

Hon Mr Sampson: "Overwhelming," he says. I want to talk to you. In June 1990 a particular facility was opened. In March 1994 an inmate was awarded \$997,000 in settlement after suffering third-degree burns in 1991 when forced into a scalding bath by guards.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Was that a private jail?

Hon Mr Sampson: That was a public jail. Why do they not raise that? Let me talk about another one. In September 1999 three prisoners and a guard were injured in a prison riot. The prison is locked down.

Hon Mr Baird: Was that a private jail?

Hon Mr Sampson: That wasn't a private jail; it was public jail. Have you raised those points? On February 23, 2000, one prisoner was fatally shot and 15 wounded.

when guards broke up a riot involving 200 inmates; 89 weapons were found on inmates after the riot.

Mr Brad Clark (Stoney Creek): Was that a private jail?

Hon Mr Sampson: That was a public jail. I say to the member opposite that he will stand up and he will want to talk about escape statistics. I listened to his press reports and his media reports on escape statistics, and so I'm going to use his, because he must have done the research. But I will tell him, in the analysis of California public versus private escapes, the source would be the Corrections Yearbook of 1998, a completely independent yearbook. California had at that point in time 155,276 sentenced into incarceration; that would be in 1997. While I think it's sad when anybody goes to jail, to have 156,000 is sad too. Of the 156,000, there were 534 escapes. Now, California has one private jail—one. In 1997 how many escapes were from the private jail in California? One. There were 500 out of a 155,000 total population in the prison system, but one out of the one privately run jail.

The member opposite says he condemns those escape statistics, and he doesn't want to see them here in the province of Ontario. Well, I say to the member opposite, in 1997 we had 15 escapes from jails in the province of Ontario, out of 7,000 individuals. That's 300 times the rate of escape in the public system in California and even more so times the rate of escapes in the private system in California. So I say to the member opposite, I wish we had their escape statistics, because we would be 100 times better than we are now in the public system in this province.

I say to the member opposite, be careful when you use your statistics because they're actually saying to you that we could do a better job. To the members opposite, the people listening, the individuals in our scout group from Mississauga, I'm not saying that the private system is the be-all and end-all to the operation of jails in any part of this province or any country in this world. What I am saying is, to stand in this House and say that the only operator of a safe and secure facility and a safe and secure system in the globe is public is, plain and simple, wrong. The evidence is that both can help you get your results. Together, both can help you get your results.

If you want the best example of that, I can only tell you—

Interjection.

Hon Mr Sampson: And I will pass the debate on to my colleagues, yes, thank you.

If you want to have a good example of how the private sector can help, I want to read to you a report that has been prepared by the board of visitors for a private jail in the UK. A board of visitors is a group of individuals who are from the community, and we actually have that component in our legislation. They're brought in by the community to help run and monitor the operation of all jails in the UK. Our proposal in this bill is that we will do that here as well. I met this individual when I toured this particular facility this summer in the UK. She said to me,

"You know, I wasn't a believer in this privatization when I first started." This is the chair of the board of monitors for this particular facility. She said, "I now am. I'm going to send you my report." They have to do a report of all these facilities each year. It's a public report that's shared with the people of the UK and it's delivered directly to the minister. She said, "The results were quite remarkably positive, and confirmed what we, as a board, have reported over ... two years," that this particular facility "was 'by some way, the best local prison that we have inspected,' and referred to it as a 'jewel in the crown' of the prison service."

Somebody who didn't believe in the operation of private jails has now come to the point where she believes that this particular jail is a jewel in the crown of the prison system in that particular facility.

Mr Kormos: It's a long road to Damascus.

Hon Mr Sampson: You're right, it is a long road, but at least we're prepared to try to engage those who we believe could be helpful for us in delivering better results in the correctional system, because that's what it's about. I know your rant will be that this is some obscure plan to do this or to do that; I know you're going to come with a sky-is-falling view. So will my colleague from across the floor. Do you know what? It's the rant you always get from over there.

To the members opposite, on this side of the House our objective and our obligation to the people of the province of Ontario is to make sure we have a prison system that is safe and effective and efficient and publicly accountable. That's what this bill is allowing us to do, and I'm proud to say that's what this government's initiatives in correctional services are going to be doing.

I yield the floor now to—

Mr Clark: Me.

It never fails to amaze me in the House how we can have such diametrically opposed viewpoints. During the differences of opinion we get such far-reaching statements, statements that clearly aren't based on any fact, and they're almost driven by emotion at times. I understand that it's a place that's fed by partisan politics. I have no doubt about that. But I think it's important that when we have fact and fiction and reality and rhetoric we try to raise the issues with the constituents at home, exactly what the reality is and why the government is moving in the direction it is and try to eliminate the myths and misconceptions that exist.

1920

For example, over the last few months there has been lots of debate raging not only in the papers but every so often in the House in terms of questions within the House. There have been comments in the House that municipalities across Ontario are against privatized jails. There have been statements to that effect. What's startling is that there are 600 municipalities in Ontario, but we've only received 20 resolutions against privatization: 3% of the municipalities. So when people say that municipalities are opposed, I don't know where they get that fact.

They make the statement that private sector service providers will be accountable to no one. I don't understand that either. When the government sets the regulations in place and when the government sets the laws in place and clearly holds them accountable, I don't know how anyone can stand and say that they are not accountable to anyone.

They state, and I've heard this, that a privatized jail will use untrained staff. A startling statement, based on what fact? I don't know where they get that information, but quite clearly any of the private jails that are operating in the world today have the same trained staff, if not better trained, as public facilities.

They state—I love this one; this takes the high road—"Incarceration for profit is unethical and morally wrong." Now, come on. Give me a break. Contracting a private firm to run a prison will not relieve the government of any ethical or legal responsibilities. It doesn't. There are numerous private facilities being run in numerous ministries across this province, but they're still accountable.

I love this one. This was an interesting one. I can't remember which paper I saw this in. The statement was, "The North America free trade agreement will make it impossible for Ontario to make certain demands on a private sector supplier." Now, that's—

Hon Mr Baird: That's Jean Chrétien's deal.

Mr Clark: Well, yes. But anyone who is making that statement doesn't understand NAFTA. Nowhere in NAFTA is Ontario's decisions regarding setting standards for their prisons a concern.

This one was priceless; I love this one. "The operator of the new jail will be an American company." So it's predetermined. The RFPs have not even gone out yet.

Hon Mr Baird: It'll be an evil American company.

Mr Clark: I hear the rhetoric. Sometimes I don't believe the rhetoric.

I'm going to ask the constituents at home who are listening to me to think why people would make these statements that are not based on any facts. "In the United States, putting people in private sector jails has resulted in assaults and murders." So there have been no assaults or murders in a public institution? I don't get it.

The statement was made—and I've seen people stand in the House and ask the question and thump their hands on their desks—"Privatization has failed everywhere it has been tried." Over the top, definitely over the top, and I don't know of anyone here who would argue that, but in the heat of debate things are said that make absolutely no sense. I'll touch on a number of facilities internationally that have been privatized.

Then a concern was raised that privately run jails will pay no property taxes and will be a drain on the community. This is implying what, that publicly run jails pay taxes? Publicly run jails do not pay taxes. So how can anyone state that it's going to be a drain on the community? It's not a drain now.

"Staff wages will be reduced to half in a privatized jail, barely above the minimum wage." This is the rhetoric that is going up there. "Salaries will be cut."

Mr Gill: They're just trying to scare people, that's all.

Mr Clark: The member says they're just trying to scare people. Exactly.

Interjection: You guys are scary people.

Mr Clark: The member across the way says we're scary. I've got to tell the member that when you throw out rhetoric with no facts backing it, that's scary. We're legislating in the land of Ontario and it has to be based on fact, not rhetoric, not myth.

In Pennsylvania a report comparing the Delaware County Prison with the Pennsylvania state law realized that the private operator offered jobs to all but two of the approximately 250 public employees and all employees received a 3% to 5% increase in their base salaries. So where do they get the rhetoric that the salaries are going to get cut?

Earlier I made the statement that some people had stated, "Privatization has failed everywhere." Well, not everywhere; and this is what the public at home needs to hear, because it's not just an American phenomenon, it's an international phenomenon.

In Scotland, the Sunday Herald, April 30, 2000—page 6, if you want to look it up—said, "Sources inside the SPS (Scottish Prison Service) believe a dramatic shakeup of the penal system is imminent, caused partly by the success of Scotland's first privately run jail, HMP Bowhouse, near Kilmarnock, which will be given a clean bill of health in its first official report from the chief inspector of prisons.... Kilmarnock 'has the potential to set performance levels for the remainder of the SPS' and said it 'set a benchmark against which others can be measured.'" It states very clearly that it was a very positive situation in Scotland.

In England, "The prison service could learn from prisons such as Wolds, and apply any lessons learned right across the service.... The current way of measuring performance is through a prison service contract compliance monitor, known as the controller. The controller awards performance points ... for non-compliance with a number of laid-down criteria.... In sum therefore, while praising the director and her staff for all that they are doing, and most particularly for the way in which they are doing it—which is an outstanding example of good practice"—

In Florida, talking about recidivism—that's when people end up reoffending and going back to jail—"Seventeen per cent of the private facility releasees had an indication of recidivism as compared with 24% of the public prison releasees." It also stated, "A large majority of private prison releasees (87%) participated in one or more programs during their confinement in the private prisons."

In New Mexico—I love this one—"Much of the inmates' displeasure with the private prison, as expressed in written comments on their surveys as well as in field interviews, was related to the more prison-like atmosphere and tighter administrative regimen that they encountered there, in comparison to their former conditions at the state prison." So they had very clear account-

ability. It had become a punishment and that's why the inmates were complaining.

In England, "Innovation, enthusiasm and positive methods of prison management have merited privately managed HMP Doncaster's description in a report published today as 'one of the most progressive prison establishments in the country.'" For those of you who aren't familiar with this, this is Tony Blair, the Labour Party in Britain, where private prisons are operating.

I like this. This was in the New York Times, page 7, August 19, 1995. South Central Correctional Center is run by Corrections Corp of America and is located in Tennessee. A study by the Tennessee Legislature has concluded that it is operating at lower cost and providing better and safer services than comparable prisons administered by the State Department of Corrections.

"I remain against private prisons for philosophical reasons," Professor John J. Dilulio Jr said. "But I have to concede that the evidence so far is favourable."

It will be interesting to see if we actually do get an RFP from the private sector, and that's important to note. We're talking about the potential. There are no RFPs yet. We're talking about the potential of a private sector company coming through and saying, "We'd like to do this based on the standards that you're putting in place." It will be interesting to see whether or not any of the members across the way, after it's done, will ever stand up and say, "I concede that the evidence is favourable." It may not happen, based on what I've been seeing.

This is a quote from Charles H. Logan, University of Connecticut: "In all my reading, and in all my discussions and debates with others on privatization, however, I can say with confidence that in no area have I found any potential problem with private prisons that is not at least matched by an identical or closely related problem among prisons that are run by the government."

That's important for everyone to hear, because what we're getting with the rhetoric from my opposition friends is that the sky is falling, there's going to be mass riots in the prisons, there's going to be assaults and there's going to be murders, and all the fear-mongering that is going on. But it is stated very clearly here by this professor at the University of Connecticut that there is no correlation between the public or private. As a matter of fact, when you go further, "Privatization raises no unique or truly new issues for prisons, but it does offer some new solutions." The professor says it offers new solutions.

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"An opponent of privatization has said: 'I think, however, the case against privatization would be that much stronger if there were not substantial evidence that the public system is either squalid or ludicrously wasteful of resources.'" Richard Harding, *Private Prisons and Police*, chapter 3.

There is nothing cut and dried, and that's why I raise these points for the members across the way. I have no doubt that my colleagues will be rising shortly and saying many other Chicken Little things, that the world is

coming to an end if we proceed with Bill 144. But I'm asking the constituents at home to think very realistically about what is being proposed and what is being said, because what is being said is not always a fact. Once it's stated and once it's in Hansard, it's considered, "Oh, it's a fact because it's in Hansard." But that's not the reality, Mr Speaker. You know that and I know that. The people at home know that. Simply because a member stands in the House and says something doesn't mean it's a fact. The information that I've read into the record, these are facts. You can look these up.

Interjection.

Mr Clark: Look them up. I've stated for a long time—

Ms Caroline Di Cocco (Sarnia-Lambton): It's not a fact, it's an opinion.

Mr Clark: The member says it's my opinion. The reality here is you have two sides of an equation and you've chosen to take the position that you're opposed. That's your opinion. They're entitled to have their opinions, but you cannot turn around and offer rhetorical, bombastic, chest-thumping facts out there that are not facts. You cannot say, "The sky is falling if this bill comes through," and, "Woe is us, the world is coming to an end," when in reality, in places like New Mexico, in places like California, in places like Florida, Arizona, Scotland, England and around the world, private jails have worked.

In the bill itself, there are a number of other things I think people should be aware of. One of them which I think is a great opportunity is monitoring boards of the facility in the community. These are individuals within the community who live around the jail who have been appointed to a board to monitor what's going on. I've been involved with environmental law for a number of years now and I have to tell you that community liaison committees, as they call them under the Environmental Protection Act, are very valid committees of very clear-minded people who want to protect their environment.

The member for Ancaster-Dundas-Flamborough-Waterdown—got it right—knows of one in Steeley. There is a tremendous community committee by the Steeley landfill that has done wonderful things in terms of making sure that landfill is closed down appropriately. As a matter of fact, they even worked to prevent another landfill; a tremendous thing. So I think the member from Ancaster-Dundas-Flamborough-Waterdown understands that a monitoring board is a positive thing.

Interjection.

Mr Clark: Obstruction: now, we've heard that there's no accountability. The member just said it's about accountability, and the interjection is welcome. They've stated that there's no accountability within a private facility, yet if you read the bill, it states very clearly where the accountability is. It makes it very clear that anyone who hinders, obstructs or interferes with a person conducting an inspection under this section, refuses to answer questions on matters relevant to the inspection or provide the inspector with information on matters relevant to the

inspection that the person knows to be false and misleading—it makes it an offence to hide information. It holds people accountable.

The members opposite have said it doesn't fall under the Ombudsman and it doesn't fall under freedom of information. Again, powers of the Ombudsman, section 57.7: it's deemed to be a governmental organization for the purposes of the Ombudsman Act. It's in the act. It's there. It's there for all to see.

Substance testing: there's been a great deal said about substance testing just in the last couple of weeks. I can't understand why anyone would be opposed to this. I can't understand why anyone would be opposed when we know surveys show 80% and more of inmates have alcohol or drug problems. The question becomes, shouldn't we be doing something to help them get treatment for their addiction? Shouldn't we be making sure that they're held accountable? If you ask the constituents in your community whether or not they think that inmates should be tested—

Hon Mr Baird: I agree with John Gerretsen on this one.

Mr Clark: The member says he agrees with John Gerretsen on this one. I'm assuming he agrees with us on this one.

The reality is they should be tested. They should be tested. Again, I don't understand why anyone would turn around and say we shouldn't be testing prisoners for drugs, that we shouldn't be doing everything we can to help rehabilitate them. Being drug-free is a part of the rehabilitation. So again, I don't understand that.

With what little time is left, I will defer to my colleague from London, but I think it's important that people remember that I understand there are two sides to the debate. What's interesting is when you bring out facts from other jurisdictions that support the conclusion the government has made, when they state that we haven't reviewed other jurisdictions and yet clearly we can point to facts and figures from other jurisdictions that support the conclusion the government has made, I can't understand how people can try to co-opt facts or chest-thump with information that's not realistic. I can't understand it at all.

Interjection.

Mr Clark: I was just handed the documentation. The other day there was a resolution before the House and we had a number of Liberal members who stood in this House—

Hon Mr Baird: Current.

Mr Clark: —current members who stood in this House and supported the testing of prisoners in correctional facilities for drugs: Jim Bradley—good member, Sean Conway, John Gerretsen, Monte Kwinter, Jean-Marc Lalonde, Lyn McLeod, Tony Ruprecht—

Hon Mr Baird: James Bradley.

Mr Clark: I said Jim Bradley. Did he vote twice?

These members understand that it's important to do drug testing. It's a comprehensive bill that should be supported. But I'm asking the people at home who are

watching, I'm asking the members at home who are watching, don't get caught up in all of the fear-mongering that the sky will fall if this bill is passed, because it's nonsensical. It's not based in fact.

The Acting Speaker: The Chair recognizes the member for London-Fanshawe.

Mr Mazzilli: Thank you, Mr Speaker. While I was doing my research today, looking through many sources, I want to congratulate you in finding out that you were the first Speaker in 30 years to name a cabinet minister. That certainly is something that I think one should be proud of, to be in the history books of this fine establishment. I'm sure it will go beyond 30 years now and it may go longer.

I want to take some time to welcome our scouts. Someone had called quorum before and I just want to explain to them what that means, if the people at home can just bear with me for a moment. At any given time, you need 12 people in this House to carry on debate. If someone calls quorum, the bells ring and people are brought in. Some people are doing important constituency work and calling back their constituents on different matters outside on the phones. That's why quorums are called. But as you can see, we have no difficulty in maintaining that on a normal basis.

This bill in relation to corrections—

1940

Mr Kormos: On a point of order, Speaker: Please, do something with Mr Mazzilli. These are Boy Scouts.

The Acting Speaker: That is not a point of order. The Chair recognizes the member for London-Fanshawe.

Mr Mazzilli: I took some very important time. But I certainly want to debate Bill 144, and so very little time to debate it. I find myself much like the NDP: so much to say and so little time to say it in.

This bill has different components, as you can see. There's obviously a privatization component, there's a drug and alcohol testing component, and then there's the component of earning time off what you've been sentenced to.

Let me just deal with privatization, because this is an issue that we talked about when it came to young offender detention centres. There are 104 young offender detention centres in this province; 99 were privatized or run by community agencies before Mike Harris and the Progressive Conservatives were elected. That was under the NDP and under the Liberals. They are run by very competent organizations, the Salvation Army and others, and many of them are unionized. So certainly Mr Kormos agrees with those institutions carrying on with their work. But I just want to deal with privatization, because I know the NDP under Howard Hampton has principles and will oppose this. I understand that. But what I don't understand is where the Liberals are going to be on this one.

While doing research, I couldn't help but find an article. It's in the National Post today: "Canada's Man at the WTO Sees Plenty of Public Services Ripe for Privatization." Guess who's Canada's man at the World

Trade Organization? Sergio Marchi. You know what he says? Let me read it to you. This is where Dalton McGuinty and the Liberals should find out where other Liberals sit on this.

"Marchi brought wonderful tidings to the US business coalition about the progress being made to expand the GATS. He identified new areas ripe for liberalization"—I guess that could be privatization—"including energy (meaning electricity) and environmental services (including water supplies), and tourism.

"In a subsequent interview, Marchi claimed that Canada would not jeopardize public health and education in the negotiations. Yet according to Washington Trade Daily, in his speech Marchi specifically named 'teaching and education' as areas for expanded coverage. He reassured me that governments will still have the right to regulate, but told the business coalition meeting that domestic regulation is a target for WTO disciplines to ensure that such measures 'do not constitute unnecessary barriers to trade.'"

Mr Kormos, you see the dilemma here, do you not? You see the dilemma when you have Liberals claiming, with no principles, that this is wrong, and their man at the World Trade Organization wants to privatize education, health care, the environment. These same people are contesting the fact that we have opened a process to a private jail in the young offenders' establishments, 99 of which were already privatized.

Enough for that issue. I want to move on to drug and alcohol testing. This is a commitment that we made in the Blueprint. As you know, as we were going door to door about a year and a half ago, we made that commitment. To increase safety and security in our communities, we wanted to drug-test people who have been sentenced. Why do we want to do that? We know that substance abuse is a known factor contributing to criminal behaviour. In Ontario, approximately 80% of adult inmates sentenced to incarceration in provincial correctional institutions and 60% of adult offenders serving sentences in the community have overused alcohol and drugs in some sort of way. How do we know that? People plead guilty. They tell the judge, "I did this, Your Honour, because I used too many drugs; I drank too much."

Interjection.

Mr Mazzilli: They tell you. Those are part of the statistics. Of course the member from Brant—"How do you know?" People tell the judge that when they're sentenced: "I committed this crime because I'm a drug addict." "I stole this because I'm a drug addict."

Of course, Dalton McGuinty and the Liberals oppose this. Our intention with this is certainly to give people the help they need. What you see most of the time with people who have an enormous drug problem is that when they're arrested, the police actually save their lives. They're at the end of their rope. They're on the street, in some cases selling their bodies, in some cases committing crimes. They've deteriorated to the point where there's nothing left. By being incarcerated, they actually get better. But why not use that time productively and

ensure that they break the habit of drugs once and for all and that they become contributing members to our society?

The Acting Speaker: Comments and questions?

Mr Bartolucci: I listened carefully to what the minister and the other two members had to say and I appreciate their comments. I don't agree with most of what they said, but I do appreciate their comments.

The guy I really do place a lot of faith in is the Provincial Auditor. I read this very carefully, and he says that Mike Harris has allowed the cost of our jails to skyrocket, that the ministry is failing to base its decisions on proper business plans. The minister alluded to that, but he didn't spend a whole lot of time talking about the importance of good business plans. The Provincial Auditor is saying that you've got a lot of work to do. I don't know that he thinks or I think or our caucus thinks that privatization is the best way to go.

I think we must ensure that the people of Ontario understand that this bill is not about privatization. It should be about public safety. On this side of the House, both parties believe that public safety should be the factor that determines anything.

The Provincial Auditor had this to say: that the public's and correctional officers' safety is put at risk because of failure to comply with prison safety and security guidelines. I think this minister and the government should listen carefully to what the Provincial Auditor is saying and try to improve the system we have. I don't believe this mad rush to privatize improves the system. The Provincial Auditor has given all kinds of recommendations to the government and to the minister, and I believe they should be acting on these things as expeditiously as possible and should slow down the road to privatization of our prison system.

Mr Kormos: It's 10 to 8. I want folks to know that I won't be able to speak to this bill for around an hour in a couple of more minutes. But I do want folks to know, especially folks in Niagara Centre, that the polls are open till 9:30. I've received some phone calls from down in Niagara Centre from people who are doing the inside scrutineering for Mike Grimaldi, the NDP candidate. I tell you, folks down there are impressed with the kind of turnout there's been. I encourage people who haven't voted down in Niagara Centre to get out there. You've got till 9:30. Head out now and make sure your vote is cast. Mike Grimaldi and the New Democratic Party have clearly captured the attention and the enthusiasm of people down in Niagara Centre. We're talking about a candidate who as a member of the federal Parliament can be outspoken, will stand up for his constituents, will speak up and speak out, won't become yet another silent backbencher. That's Mike Grimaldi and the NDP in Niagara Centre.

I'm going to be down there in Welland at around 11 o'clock tonight, as they start bringing in the poll results not only from Niagara Centre but from across the country. I'm looking forward to joining folks in Welland and across Niagara Centre in a victory celebration as

those voters can celebrate sending Mike Grimaldi to Ottawa, a strong voice, an articulate voice, a voice that's independent of external pressures, one that people can count on; Mike Grimaldi, somebody to be other than a mere silent backbencher. The last thing Jean Chrétien needs is another silent voting machine who'll do as they're bid while Mr Chrétien and his House leaders pull the strings. We don't need that in Niagara Centre. Most ridings have no use for it. We need Grimaldi and the NDP so Niagara Centre for the first time in a long time is really represented in Ottawa.

1950

The Acting Speaker: It has been a tradition of the House that the two minutes of questions and comments has something to do with what the speaker has been speaking about for the previous hour.

Mr Kormos: My apologies, Speaker.

Hon Mr Baird: On a point of order.

The Acting Speaker: There's nothing out of order.

Comments and questions? The Chair recognizes the member for Ancaster-Dundas-Flamborough-Aldershot.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Not Waterdown, Aldershot. Mr Clark almost had it right. It's Ancaster-Dundas-Flamborough-Aldershot. Got that?

Mr Clark: Eventually.

Mr McMeekin: Thank you.

I want to respond briefly to some of what's been said here and say that, personally, I happen to think there are portions of this bill that make a great deal of sense. Obviously, a lot of work has gone into this bill.

Mr Clark: I think there's a "however" coming.

Mr McMeekin: No, no, not yet. It's half and half, Brad.

I want to say, particularly on the drug side, whoever it was who said, "Isn't it unreasonable not to have some kind of program around drug testing?"—I think it is in fact very reasonable to have something like that in place. I would just lament, for what it's worth, that I get very concerned, as a member of this House and hearing from people in my constituency, with the amount of drug use we see in prisons. People can't understand how it is—and maybe that's part of the standards, Rick, that you were referring to—that we could be into a situation where people are lamenting the extensive use of needles and the drug culture within the prisons.

When a government talks about accountability, there are a number of ways you could come at it. One of the measures of accountability, I think, is the extent to which drugs within prisons can be eradicated and the extent to which those who have an addiction within the prison system can in fact be rehabilitated.

Those portions of the bill I think make some sense. There's some portions of the bill that I think don't make sense, and I'll speak to those somewhat later when I have a chance.

Mr Wettlaufer: I listened very carefully to the members who spoke. I want to say that I live in Kitchener, and this is a blue-collar town. It's a town

where people believe very strongly in law-and-order issues. They also work very hard for their money, and they don't like to see their money thrown away just because some government or some politician thinks the money should go to unionized help in some prison. They have no objection, in my riding, to seeing privatization of the prison system. They have no objection to the key law-and-order issue of drug testing.

They take great objection to someone standing up like the member for Sudbury, who trots out the old Liberal mantra: more and more of the same; defender of the status quo. He talked about the fact that the ministry did not have "a proper business plan." However, we know that the auditor never said that about the Liberals when they were in government, because they didn't have a business plan at all.

Then, of course, the member for Niagara Centre stands up and demonstrates his party's interest in this issue. He demonstrates it by not even talking to it. He talked about federal politics, a federal election.

We've got a responsibility here to run a province. We've got a responsibility here to look after the affairs of the people of Ontario, and that's why we're sitting here until 9:30 at night. One NDP in the House, and until half an hour ago, there was one Liberal in the House. You guys really demonstrated your interest in it too, didn't you?

The Acting Speaker: The minister from Mississauga Centre has two minutes to respond.

Hon Mr Sampson: I want to thank the members from Kitchener Centre, Ancaster-Dundas-Flamborough-Aldershot, Sudbury and Niagara Centre, although I say to the member from Niagara Centre that in the bottom of the screen as you were speaking was probably a little banner that said, "Paid for by the CFO of the Niagara Centre Campaign." I think people should vote as well, but I'm not going to be so bold as to suggest who they should vote for.

I say to the members opposite, and I think it was actually the member from Niagara Centre who spoke about the auditor's report, that I'm prepared to accept what the auditor has said about the operation of this ministry, which is fundamentally that there are challenges within the ministry, the system needs a change and we can do a much better job with the money that we're spending in corrections. I agree with all of those; in fact, I've been saying that for some time.

But I think the people watching today should realize that the auditor said, when he talked about the business plan, that there wasn't a business plan to justify the building of the larger facilities. It was that we, in his view, didn't have a business plan regarding the choice of financing and ownership. The criticism of the auditor—and I saw an interview he did on CBC Newsworld just recently—of this ministry as it relates to the business plan and the two large facilities we're building is that we didn't privatize them and that the initial decision was to keep them within government hands. The initial decision

was not to get a private operator, and as people now know—

Interjection: Good Lord.

Hon Mr Sampson: Well, that's what he said. You say, "Good lord." Read it, page 79. If you can't read what's on page 79, then I can't really help you. But he says the criticism was that there wasn't a business plan about our choice of financing and ownership. It's not that there wasn't a business plan about building it. Read the document, my friend.

The Acting Speaker: Further debate?

Mr Levac: There were comments earlier in the House regarding the concern about not having members here. I see that there are not many member here. I move to adjourn.

The Acting Speaker: Could I ask for clarification. Is that adjourn the House or—

Mr Levac: Adjournment of the House.

The Acting Speaker: Mr Levac has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members; this will be a 30-minute bell.

The division bells rang from 1958 to 2028.

The Deputy Speaker (Mr Michael A. Brown): Order. Members please take their seats. Mr Levac has moved adjournment of the House.

Those in favour will please rise. Thank you.

All those opposed will please stand. You may be seated.

Clerk Assistant: The ayes are 8; the nays are 17.

The Deputy Speaker: I declare the motion lost. The member for Brant.

Mr Levac: Mr Speaker, I'll be sharing my time with the members from Chatham-Kent-Essex, Sudbury, Sarnia-Lambton, and Ancaster-Dundas-Flamborough-Aldershot.

Interjections.

The Deputy Speaker: Order. I'm having difficulty hearing the speaker.

Interjection.

Mr Levac: Just a subtle reminder to the members opposite: democracy is priceless.

I'd like to start by reading into the record the—

Hon Mr Baird: On a point of order, Mr Speaker: I'd like to withdraw the comment. I regret having pointed out to people that the Liberals just wasted \$5,000 of taxpayers' money on that trick.

The Deputy Speaker: This is not a point of order. The member for Brant.

Mr Levac: I think the member opposite should be reminded that the minister has had pointed out to him quite a few times that \$400,000 extra has been poured into Camp Turnaround, and that was above and beyond what the auditor thought they should have done, even under contract. It's rather interesting that the minister tries to put a price on democracy and indicates to the

public that \$5,000 is not worth democracy. If he does anything, I think he should apologize to the public in general for saying democracy should be stopped and democracy only goes the way in which this minister believes it should go. Isn't it interesting?

Let's talk about whether or not this bill is appropriate. I'd rather focus on the bill, Mr Speaker—

Interjections.

The Deputy Speaker: This has just got to stop. The member for Brant.

Mr Levac: I'd like to focus on the bill, Bill 144, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole.

According to the name, you would probably not guess at all that privatization is the main focus of this bill. The very idea that the privatization was challenged by the members opposite is a scary thought, first of all, because of the standard line that most of those members on the other side are using, that the sky is falling. Under the circumstances, I'd like to be able to provide the members of the public with an idea of how they feel. What do they think? What do they want?

As a matter of fact, I'd like to point out, as I've done time and time again, that the member from Simcoe North and the Minister of Correctional Services have forgotten that 70% of the people in Penetanguishene, by their own poll, indicated to them very clearly—70% of them have said no to privatization time and time again. That's democracy in action. Seventy per cent of the people said no, and this government continues to say yes, whether they like it or not. If you don't like it, you are going to take it down your throat because the people of Penetanguishene are saying you are going to be in trouble for not listening to them.

Are we talking about people who have a vested interest? We're only talking about the citizens. We're talking about Sharon Dion from Citizens Against Private Prisons who simply sells flowers in her community, but she thought, "I've done my homework. I've done my research. I didn't need anyone to tell me anything other than the fact that we're saying no to privatization." But this government is saying to the people of Penetanguishene, "You're taking this whether you like it or not." That's appalling, to think that the people of Penetanguishene, 70% of them, are not even getting their say.

I dare say that of the 70%, a few of them even voted for the Conservatives, and a few of them even voted for the NDP and for the Liberals. We're looking at a mix of the public, a public mixture that basically said to this government and to this minister "no to privatization," regardless of the fact that the minister spent an inordinate amount of money to try to convince them they were wrong, that they didn't know what they were talking about and that the government knows what's good for the public. In fact, what we heard from them is the same answer that has been given by 135 communities, contrary

to the member from Stoney Creek, who says there's only been a few resolutions in this area. Some 135 communities have written to the minister by resolution of the democratically elected people of their areas—135.

Mr Mazzilli: On a point of order, Mr Speaker: Jean Chrétien's Liberals support privatization through Sergio Marchi. I'm wondering if the Ontario Liberals support privatization.

The Deputy Speaker: You might know that I'm not amused when we're using points of order that are not points of order.

Interjection.

The Deputy Speaker: No, it wasn't close. Let's settle down and get back to the debate.

Mr Levac: I will say again, in case the member from London-Fanshawe forgot—he likes to refer to the fact that the federal Liberals are making one statement or another. Quite frankly, we're in the Ontario Legislature and we're doing things here now that we're going to be paying a big price for later on.

Let me explain to you. Consistently, the minister has said, "Ontario needs to spend its correctional dollars smartly and more efficiently." There are two problems with his argument, one being the recent auditor's report showing that in five years of this government's reign, the Tories are spending more money and getting worse results. Second, the policy direction that they are headed for will clearly not deliver a smarter spending scheme, and here's why.

The member from Stoney Creek wanted to tell us that Scotland was a great example. Here's my example: Scotland on Sunday reported that a recent private prison project would cost over £160 million more than was previously claimed. A leaked document regarding the Kilmarnock jail was hailed as a cheap way of running corrections in Scotland—and that's the one that the member is referring to—but will be running at £290 million over 25 years instead of the £130 million agreed upon in the contract. Politicians are accusing the Scottish Prison Service of cooking the books.

Now we have an auditor general in our own province saying to the minister, "You got caught spending \$400,000 extra to lift up a private institution and we're showing you that Scotland did the same thing."

Let's talk about having some more problems here. Scotland is also having other problems, including the cover-up of actual staffing levels on the argument by the privateer that the released information would destroy "commercial confidentiality."

The New Mexican reports that Cornell Corrections so regularly inflates the numbers for the administration of the Santa Fe jail that the city has been forced to hire a person whose full-time job is to review and oversee the billing because, according to the Santa Fe Police, Cornell Corrections has billed the city for \$526,680 and the city has only paid \$128,944. Wow—privatization, great financial gain.

Also in New Mexico, Governor Gary Johnson's privatization bid has failed to deliver on its promised cost

savings. The failure is apparent because he has recently asked for additional funds to finish the current fiscal year and an additional 7% to 8% for next year. Back to the cookie jar—no control, no accountability.

In response to an increase, Senator Michael Sanchez, chairman of the Senate judiciary board, stated that the private prison provider had "cheated the people of New Mexico and I don't think we should give them a raise for not doing their job."

The Oklahoma Department of Corrections has levied a large fine, \$168,750, against Great Plains Correctional Facility for failing to meet contractual obligations regarding medical care for state prisoners.

Time and time again, the minister stands in the House, he stands in public, he shouts from the mountain tops that Ontario will have better contracts than the rest of the world. They have contracts, they have proposals, they have requests for proposals, they have standards, and they're all being defeated.

In Utah, Cornell Corrections and the state Department of Corrections are prepared to complete a contract for the state's first privatized medium-security prison, which will house inmates for \$62.84 a day—I am impressed—the problem being that the state already houses the inmates for \$43.07 a day. This mad rush to privatization has forced the Utah Sheriffs' Association to announce its opposition to the plan, arguing that the plan is purely ideologically driven.

Guess what? The Police Association of Ontario, the PAO, has come out and said no to privatization, and this wonderful family, friends of the Conservative government, are sitting back and saying into their boots, "I don't know how we're going to get out of this when we've got to satisfy the PAO," but they're saying no to privatization.

What else are they looking for? I'll tell you what else the PAO is looking for. The PAO is looking for legislation from the Solicitor General that I asked for in this House: "Would you pass legislation to ban privatization of police or firefighters?" Guess what the minister's answer was? The minister's answer was, "We have no intention of doing anything like that." He didn't say, "I'm going to pass legislation." He didn't say, "I'm not going to pass legislation." He said, "We don't like that either." He wouldn't commit to an answer. As a matter of fact, during the lobby day there were very few, if any, commitments made by this government to the PAO. Isn't that interesting?

We've made a commitment and our commitment is very straight, very clear. We will pass legislation not allowing privatization of the police force, the fire department and corrections. Let's make it clear. It's on the record.

In 1996, the US General Accounting Office reported that an analysis of privatization in the United States covering Texas, California, Tennessee, New Mexico, Louisiana and Washington state concluded that "the studies do not offer substantial evidence that savings have occurred or will occur."

2040

The Miami Herald reported recently that in Texas, Governor Jeb Bush—we know that name from somewhere, don't we? We don't know who is going to be the brother of what president. Or was it Gore? I'm not sure—is considering shutting down Wackenhut's privately run prison in Glades county to save money. Isn't that amazing? The state's going to take it over and run it. To save money, they're going to get rid of this one.

The Mirror newspaper reports that figures from the Home Office indicate that all three youth facilities in the United Kingdom have been handed massive fines for not meeting their contractual obligations.

Something the minister keeps trying to say to everybody out there is that all of these prisons and youth offender facilities all over the world don't do it as well as we do. We're going to put it in place so that nothing goes wrong. Absolutely everything will be flawless with our RFPs and our RFQs. It's rather interesting that this minister refuses to accept the reality of the day, just like the member from Stoney Creek, who tried to make us all believe that only his words, his reporting and his research were the truth, and everybody else's was wrong.

The London Times reported that record fines of almost £1 million have been imposed on Britain's first high-tech private prison for repeatedly failing to meet its contractual obligations. Securicor Parc jail in South Wales incurred these fines as a result of 211 incidents of prisoner self-harm, discipline, assaults on staff, incomplete drug tests and other drug-related offences.

The Salt Lake Tribune reported that Utah Senate President Lane Beattie stated the following regarding the contract proposal with Cornell Corrections: "This was presented to us as a cost-savings measure, but the figures we are now seeing are far different from what we were originally told. I don't know, but I think somebody is lying to somebody."

In Ontario, the pattern is already emerging—

The Deputy Speaker: Order. I would ask the member to withdraw those words.

Mr Levac: Mr Speaker, could I get a clarification as to what I'm removing? In terms of the drug?

The Deputy Speaker: Regardless of whether it's in the printed document.

Mr Levac: I withdraw.

Interjection: So those weren't your words, David?

Mr Levac: They weren't my words. I'd like to point out that this was a Salt Lake Tribune report by Utah Senate President Lane Beattie. I would make no reference to a member saying anything like that in this House. This was a news article that was read from.

In Ontario, the pattern is already emerging regarding dubious financial practices. Although under the jurisdiction of the Ministry of Community and Social Services, the Toronto Star reported that Arrell Youth Centre was handed over \$300,000 extra for the operation of its facility, a facility that under then-Minister Janet Ecker was supposed to save \$3 million annually. They were bumped up \$300,000 extra above their operating

costs, which were supposed to save \$3 million annually. So the fiscal argument is out the door.

Let's talk a little bit about accountability. Minister Sampson has introduced the Corrections Accountability Act to ensure that the private prison company that will be contracted to run the Penetang facility is accountable to the government. He is not the first one to try this, contrary to what everyone tries to say. Below are examples of other jurisdictions that had numerous problems with accountability. This is not a new experiment, and the minister should realize that his own legislation does not guarantee access or accountability.

Val Whitley, president of the First Judicial District Criminal Defence Lawyers Association, in response to problems with Cornell Corrections' running of the Santa Fe jail, stated, "The county negotiated a contract that didn't give them anything. They ended up with a contract that basically gives them no controls over the jail."

An executive summary of an independent report on New Mexico's private prison system places the blame for the death of a correctional officer, Ralph Garcia, and ensuing riots in Santa Fe partly on Governor Gary Johnson's rush to private enterprise, as well as a micromanaged-by-legislators placement of dangerous inmates in medium-security cells, with inexperienced guards and supervisors.

The US Bureau of Prisons spokesman Scott Wolfson said that no one convicted of a serious crime in that state would be sent to a private facility in Santa Fe, New Mexico, because "the bureau does not have confidence to place a medium- or maximum-security inmate in a private prison." That speaks to an issue we have to consider very carefully. If we're going to start getting people who say, "We're not going to send them there," that means they're going to overrun our public institutions. Therefore, the state will become responsible for those inmates and the privateers will get to look like they're doing a good job because nobody is coming in.

The state Department of Corrections of North Carolina announced recently that it wants to terminate its contract with Corrections Corp of America, which operates two medium-security prisons in the state. The state has been unhappy with the staffing levels and the number of ex-convicts employed by them. It has withheld \$1 million in payments from the company since the prison opened in 1998. Corrections Secretary Theodis Beck stated, "We believe it is in the best interest of the state for the Department of Corrections to assume operation of the two facilities."

Earlier in the debate, one member on the opposite side wanted to tell us that Britain was doing a fantastic job and that it was the one and only example of something that was really good. I'd like to share with you that another institution was held up as an example of privatization earlier in the debate. There was a press conference in the main foyer of the Legislature, and there were some guards and some prison officials and people from the ministry office handing out a brochure saying, "This institution that we want to hold up as a prime

example in Britain is fantastic." Three months after it was held up as a perfect private prison, it was taken over by the state.

In Texas, the state has re-taken the operation of the Travis County Jail. The state has recently taken over the jail after a grand jury investigation into possible crimes, fraud and official oppression.

This isn't just the United States. Let's talk about Ontario. In its first example of privatizing a canteen operation, employees of that particular operator were found bringing drugs into the system. Isn't that interesting?

Legislation to slow the growth of private prisons has been introduced in the US Congress. Wisconsin Representative Tommy Baldwin is supporting it out of concern for community safety and public oversight. Baldwin stated, "Having a private prison run by a board of directors and a CEO provides a different level of accountability than that provided by civil servants where access is guaranteed."

Representative Ron Kind stated, "I am troubled by questions regarding the quality of security and staffing levels at private facilities. Finally, there remains some question whether private prisons actually add rather than reduce costs to taxpayers."

Wisconsin Attorney General James Doyle said recently, "The thought of private prisons in this state is so antithetical to what you need for a good corrections policy." In other words, it's the exact opposite of what you would want for good corrections in your area.

In Australia, the Victoria government has seized control of the state's three private prisons. The facilities, operated by Corrections Corp of Australia, were found to be lacking in security, which was endangering the community they were located in as well as the safety of the staff. The report was conducted by the Correctional Services Commissioner, Penny Armytage. "The report revealed fundamental security failures which present a clear risk to the safety of the community, to the safety of prisoners in the prison and to the safety of the" correctional officers "in the prison," Minister of Corrections Andre Haermeyer told reporters. Of particular concern was inadequate supervision of at-risk offenders and failure to manage problem inmates, resulting in 24 assaults on staff, inadequate staffing levels and double the level of positive drug tests.

Let's talk about escapes. One group tried to throw us off base with the escapes; they said they were the same. Between 1995 and 2000, a comparison between private and public sector prisons was done. In the private facilities, with an inmate population of 122,871, there were 173 escapes. Listen to this, it's important: this compared to the public sector, with an inmate population of 160,606—way more—having 10 escapes. The quote we get from the minister is, "The public has escapes." He hands up one or two escapes, one or two incidents, but fails to tell everybody that we're now dealing with away more inmates in the public system. Compare those. It's a good interpretation; it's rather interesting.

2050

Mr Mazzilli: On a point of order, Mr Speaker: We on this side of the House want to reduce escapes or people unlawfully at large. I would ask for unanimous consent to ask the federal Liberals to ban intermittent sentences in order to reduce escapes in this province and in Canada.

The Deputy Speaker: I don't believe that's a point of order, and it doesn't relate to this chamber. The member for Brant.

Mr Levac: The member for London-Fanshawe thinks he's going to throw me off my point. Clearly, I continue to make the point that the government is going down a road we really shouldn't be going down, and they don't like the idea that they are being bombarded with facts. The creative interpretation going on on the other side is rather interesting.

For the public to understand, these facts are all available, just as the member for Stoney Creek said his facts were available. I challenge everybody to take a look at this and get hold of Sharon Dion in Penetanguishene, in CAPP, Citizens Against Private Prisons. She's unbiased. She has told me several times that she doesn't even carry a party card; she's more interested in the safety of her community.

Let's talk about the type of research that has been done. I hold up the title page of a work that was 450 pages of in-depth research: Preventing Crime: What Works, What Doesn't, What's Promising. It was a report to the United States Congress prepared by the National Institute of Justice in collaboration with members of a graduate program in criminology and criminal justice in Maryland. Their basic premise was, let's take a look at all the programs that are being offered. The two most glaring programs that came out that said what isn't working were privatization and boot camps. Surprise, surprise.

I want to continue with the other pieces of information. Regarding assaults, in her paper Prison Privatization: Recent Developments in the United States, Judith Greene, senior justice fellow for the Center on Crime, Communities and Culture, reports that private prisons have an assault rate on staff that is 50% higher than their public counterparts. Additionally, inmate assault is 66% higher than in the public sector.

Staff turnover: the Criminal Justice Institute reported in their annual corrections report that staff turnover at private facilities is 40.9%, compared to 15% in the public sector.

A different ministry, but Genest youth facility in London—the one where I was told I couldn't go in and see what was going on. He's going to try to make these panels that allow you to go in 24-7. Isn't it interesting that this panel can go in 24-7 and a duly elected member could not get in? The staff turnover in the past few months has become an increasingly large problem.

Camp Tumaround, a success story, or "Camp Run Amok," as some people like to call it: a first-day escape, public correctional officers being called in to help secure the facility, cherry-picked inmates, overbilling and a

budget that's now \$400,000 above and beyond the agreed contract. This pattern is emerging strikingly similar to the United States track record of privatization.

I could probably go on forever, but I'm going to leave a couple of paragraphs from letters I have secured. One hundred and thirty-five communities in our province have said, "We don't like the idea of privatizing prisons in Ontario." In some letters they made that as a statement: "We just don't like it." Here is the overriding paragraph the Minister of Correctional Services sent to every single one of those duly elected officials, the 135 communities across our province—and growing, by the way: "I can only conclude that your council, having carefully considered this matter on behalf of your community, has determined that it does not wish to have any correctional facilities located within the boundaries of your municipality. Our government can certainly respect that local wish. I will take steps to make your determination of this issue a matter of record and ensure that no planning for the future correctional institution investments, either for new or expanded facilities, will occur in your county." What a spank that was. I'm sure that rankled. I would love to have seen some of the responses that the minister got back from some of those duly elected officials.

I've said before that I want to go on and on. I have other speakers. I'm going to yield the chair to them. I respectfully suggest—

Interjection.

Mr Levac: I've got another 10 minutes? I'll take it up. Thank you very much.

I have a letter from Senator Hagan from Ohio. He took the time to write a letter to Mr Harris. Being a duly elected official in the United States, he had some experience with private jails and simply wanted to share his expertise and experience with the Premier.

"It is my understanding that the province of Ontario is in the process of accepting bids to contract out for the management and operation of a private prison to house up to 1,200 medium to maximum security prisoners."

He goes on to state what his background is, what's happened. "From the outset, the NEOCC was mired in administrative and management ineffectiveness, which resulted in serious violent inmate attacks on guards and other inmates. All totalled in its first two years of operation the NEOCC experienced 16 violent attacks within the facility and most notably the daylight escape of six prisoners, including five convicted murderers, into my home community and within one mile of my home and family. The 16 violent attacks also included two inmate murders one of which may result in legal action against CCA"—Corrections Corp of America—"and the Washington, DC correctional system."

And it goes on to say more things about the privatization that we don't want to hear too much about because the minister says we are fearmongering. We just want to tell you what's happened in other jurisdictions and to let you know that you're going down a road that is a failed experiment.

"Ohio's experience with private prisons has been to date an eventful yet wholly regrettable experience.... Private prison problems have not been confined to merely the state of Ohio though. Nationwide, private prisons have encountered numerous outbreaks of violence and escapes, which has led to legislation being introduced into the US Congress by Representative Ted Strickland that would prohibit the future construction and operation of private prisons within the United States."

The actual cost of stock of one of the corporations that offer private security has gone down and plummeted. "I would respectfully urge you to reconsider your position on the construction of a private prison in the province of Ontario. I would be delighted to discuss this issue with you or any member of your staff and urge you to contact my office if you have any questions or comments on this issue."

When asked for his comment, Premier Harris simply said, "There is not going to be a state senator or the President of the United States going to tell me how to run Ontario." Instead of asking, "What was your experience? Let's get together over coffee and share what your concerns are so I can learn more about this," the Premier simply said—with his hands rolled up, I can imagine, in glee—"You're not going to tell me how to run my show, mister, even though you know what you're talking about. Even though you've had a very bad experience with prisons, we are going to experience that all by ourselves. Thank you very much."

To the minister, who thinks that there have been no offers to him about how to improve the system we presently have, he has been sent three or four different copies of this particular document I'm holding up, and that is to the Ministry of Correctional Services of Ontario. I think the minister, to his credit, did acknowledge receipt of this particular package—as of yet I don't know that it has been dealt with in a deeper sense—the pilot project proposal for Burtch Correctional Centre in Brant and the Brantford Jail.

This proposal was dealing with an awful lot of the issues the minister is putting before us in what should be two separate bills. But he's conveniently wrapped something that most of us could probably agree with to a certain extent, maybe not all of it, with another very suspect issue. What does this government tend to do? If you look back at all of their legislation, you'll see a piece of legislation they had to wrap around with candy. It's that old thing where if you want to take cod liver oil, you stir it in with some sugar or something and say that you've got to take the bad with the good. This particular program, which is approximately 27 pages long, shows how Brant could maintain Burtch Correctional Centre and have its citizens taken care of in terms of the economy.

2100

By the way, I wanted to point out that somebody, the member from Simcoe North, said to us one time, "You realize that Simcoe North is going to get an economic boom, about \$16 million, into their economy." But he

forgot to finish the sentence, that the government shut down five different institutions across the province to the tune of about \$120 million, including the riding of Brant. The minister likes to use the words I've used several times in terms of "the infrastructure." The infrastructure has nothing to do with the management of the system, but I'll make it very clear and I would like him to take Hansard and write it down again and see if it comes out the way I said it the first time: the infrastructure, the actual buildings themselves, need some work. Some of them have been in existence since before Confederation, and the working conditions of the correctional officers who are in there working day in and day out are horrible. I would support the working conditions of those correctional officers being improved.

Burch Correctional Centre has been offered to be the pilot to this wonderful program called "the alternate solution." It deals with the drug addiction, the abuse, the spousal abuse, the root causes of incarceration to a high degree.

I'm going to forfeit my time now, but I do want to make a few more points before I give up. I understand there are some concerns being raised on private prisons, but I want to leave you with some more quotes: "A convicted killer who broke out of Ohio's only private prison was captured about five miles away ... leaving just one of the six inmates who escaped Saturday still on the loose"; and "A history of violence, coupled with last week's escape of six inmates, prompted Governor George Voinovich on Monday to search for ways to close down Ohio's only private prison."

I want to say very clearly that the government has its own critics. The then corrections minister, Bob Runciman, said there were "too many unanswered questions about safety" to proceed with private prisons prior to the 1999 election.

The way this bill is written, the way this bill is constructed conveniently to try to make people say that "We're against drugs in prisons," and the way that private prisons want to be introduced—make no mistake, private prisons are what this bill is all about.

The member from Stoney Creek tried to tell us that this wasn't a moral issue; that it's not a moral dilemma. I say convincingly, if that's the attitude of the member on that side and all of the members on that side, I fear for our province when this member can stand up and say that we can make profit on our bodies—we don't sell our blood; we don't sell our body parts and our organs. We should never go down the road of selling our prisoners, because we remove a sacred right that we all have, and by removing that, morally the government must be accountable and in control of that situation, and we won't be with private prisons. The horror stories are there. This bill should die.

Mr Pat Hoy (Chatham-Kent Essex): I want to commend the member from Brant for an excellent presentation on Bill 144. He talked about the threat to public safety, and since we're talking about public safety on this bill, I'd like to make my comments about this

government's attitude toward that very same thing, public safety.

This afternoon I asked the Minister of Transportation to implement photo radar at least as a pilot project. I asked him to listen to the key recommendations of two coroners' juries into terrible fatalities on the stretch of Highway 401 between London and Windsor. The minister said that 90% of all dangerous driving practices are not caught by photo radar. That's arguably true, though an article on a report released by the minister showed the speeding-related accidents figure to be very high, not at 10% but almost 20%.

But the minister is still missing the point. What we are suggesting is that monies from photo radar be used to hire additional police officers so that they can go after the 90% he is talking about. Free up the police so they can go after these more flagrant and serious infractions. Let's give photo radar cash to the police so they have the resources to target that other 90% of dangerous drivers.

Mr Turnbull knew that once. I wonder why he has forgotten. I'd like to read you what Mr Turnbull said in 1993. "There are lots of studies in the United States and Europe and in Canada, in Alberta, that photo radar has merit." Mr Turnbull said, "It positively identifies speeding vehicles, there can be no doubt about it." He told the Legislature that if money generated by photo radar was given to the police forces, on top of the money they already receive from the government, "I think we could solve some of the very serious policing problems in this province."

When I questioned Minister Turnbull today, he ignored my concerns for public safety. Mr Turnbull said today that Dalton McGuinty has more positions than the Kama Sutra—a joke I find to be in very poor taste, especially when kids in the gallery were here.

Mr Kormos: I don't get it.

Mr Hoy: I didn't understand it either, but I'm told that it was a very despicable type of comment in the House with those children here; as well, it was an affront to our leader.

Let me say that Dalton McGuinty is totally committed to public safety on our highways. Dalton McGuinty wants money from photo radar to be used to hire more police to go after that other 90% of dangerous drivers Mr Turnbull talks about. Mr Turnbull once believed that photo radar money could solve some of the very serious policing problems in this province and now I wonder what has changed.

We're talking about a bill, Bill 144, that speaks to safety. We're also speaking about photo radar that speaks to safety. We also talk about my school bus bill that talks to safety. It seems that the minister has a few positions of his own to defend. What comes to mind is that people who live in glass houses should not throw stones. Also, I think it was the former Tory paragon, Brian Mulroney, who said, "Only a donkey won't change its mind." But when you look at Minister Turnbull's attitude toward public safety and photo radar, he does seem to fall into that category.

If the Harris government were truly concerned with public safety they would not even be considering the privatization of our correctional services as they propose in Bill 144, nor would they be considering the privatization of driver licensing and highway inspections, as they proposed with Bill 137. Both of these bills are bad for the public; they are bad for safety. They play to another agenda of the Harris government and that is not public safety.

It's a fundamental principle of the Harrisites that they are not the government, they came to fix the government, but we on this side of the House believe that it's the government's job to protect the public and Mike Harris is failing miserably. Look at Walkerton. Look at the bills before this House, most recently Bill 134 and now Bill 144. They are about privatization, not about safety. We oppose them. We oppose them in total.

Mr Bartolucci: First of all I'd like to thank our critic for correctional services, the member for Brant, Dave Levac, for a very excellent 40-minute presentation in which he clearly outlines the Liberal position.

Let everyone who is in this House and in the province of Ontario know that the primary purpose behind Bill 144 is to set the legislation framework in place for private prisons. Ontario Liberals believe that private prisons do not enhance safety. So, as our critic has clearly outlined, we are opposed to this legislation. We are opposed to it because we want to enhance the safety of all Ontarians, not detract from that safety. That's why we're going to be voting against this bill.

I think the Harris government knows the pitfalls of private prisons as well. It's interesting that prior to the 1999 election the Tories said that the jail in Penetanguishene would be publicly run. Now they're saying it's going to be privately run. What a difference a little bit of time makes.

Also prior to the election, the then Solicitor General and corrections minister, Bob Runciman, said, "There are too many unanswered questions about safety to proceed with private prisons." That was what they were saying before the 1999 election, but now they're saying something completely different. One would ask the question, rhetorically, I'm sure, what has caused them to change their minds?

2110

Interjection: Money.

Mr Bartolucci: Some people say money. I hope that's not the truth, but if past performance is any indicator, then I'm afraid we have to worry about that.

We not only have to worry about that; we have to worry about the public safety of Ontarians. This is what this bill is all about. It's about trying to minimize that public safety. We on this side of the House want to maximize the safety of all Ontarians.

Now it's coming to fruition, it's being proven categorically—the member for Brant did an excellent job—that internationally, private prisons have been an unbelievable failure. Many US jurisdictions, including New Mexico, Maryland, Oklahoma and Ohio, are

backing away from private prisons. Again a rhetorical question: why, when history has proven that private prisons don't work, is Ontario moving toward a private prison system?

You have to worry so much about how the government is going to control these private prison operators. Historically, those operators in Louisiana and New Mexico have failed to notify state and local authorities when murderers and rapists have escaped from their institutions. That's a matter of public record, that's a matter of fact, and that's a matter that we on this side of the House want to try to make sure doesn't happen in this province. The best way to do that is to rethink your plan for privatization.

I have a jail in Sudbury; I have to be perfectly honest with you. Larry MacGregor and the guards in Sudbury do an excellent job. They're committed, they're dedicated, they're certainly faithful to the task, they're very understanding, yet they certainly ensure that those people who are incarcerated follow the rules of the game. I don't think it gets any better than what's in place in Sudbury. I would think this government should use Sudbury as a model and ensure that all of the prisons in Ontario are run as effectively as this public institution. I commend Larry MacGregor and his members because they work hard, they're dedicated, even in spite nowadays of this government's assault on them in the form of privatization.

I'd like to quote just a few statistics that have come to my attention with regard to private prisons. They're not disputable. The fact is, the corrections minister quotes some statistics. Here's one: escape rates in private prisons are 32% higher than in public facilities, according to a 1999 Florida case study. That's 32% higher in private prisons. I've got to tell you, Larry MacGregor and those people who are members of his union in Sudbury are doing a pretty effective job as jail guards and we don't want to see a 32% higher rate of escape. Assaults on correctional officers are 50% more common in private prisons than in public facilities. That's a statistic given to us by the National Council on Crime and Delinquency in the United States; again, one that you can't dispute because they've done the study in their private prison system.

The Minister of Correctional Services quoted California in 1997. I wish he had quoted California in 1998. There were 116,932 prisoners housed in private prisons, and there were 27 escapes. That's 116,000, almost 117,000. In the same year in California there were 160,332 prisoners housed in publicly run prisons, and there was one escape. Fewer prisoners, more escapes. In a public facility, more prisoners, fewer escapes.

I would suggest to the minister that he try to convince Mike Harris to reconsider their plans for privatization. As long as he is intent on privatizing this system, Dalton McGuinty and the Ontario Liberals, led by our critic, the member for Brant, will be voting against this type of legislation.

Ms Di Cocco: I'm pleased to join in this debate. Bill 144 states that it's An Act to establish accountability in

correctional services. I want to speak to this whole issue of fiscal accountability. I'm going to speak to it in terms of the auditor's report. The auditor's report is a report that is independent of any partisan politics and deals with and criticizes the Ministry of Correctional Services. As a matter of fact, the premise of the issue of accountability of the auditor's report is based on the fact that the Harris Tories are terrible managers. That's basically what the premise of it is.

I'll quote from the auditor's report. "About half of the province's annual expenditures, approximately \$30 billion, are spent by the government as transfer payments to government service delivery agents." That means that they're farmed out somewhere. "The Audit Act currently does not permit my office"—that's the auditor's office—"to access on a discretionary basis all the information necessary to report to the Legislature the extent to which these agents achieve intended results and whether or not taxpayers are receiving value for money spent. Accordingly, we have sought over the last decade to have the Audit Act amended to enable my office to assist the Legislature in strengthening public accountability."

He goes on to say, "Over four years ago, the standing committee on public accounts unanimously endorsed our proposed amendments to the Audit Act, but there has been no action in this area on the part of the government."

We want to talk about rhetoric versus action. This government doesn't seem to understand that these are actions they can take to actually gain accountability in how government does its job.

The government has made changes, and this is another one of its changes, to privatize or at least to set the tone for privatization. Just as they did in the water testing, they make the changes but they forget to put any protocols in place. They don't put anything in place to protect public safety. We see what happens. This has nothing to do with dramatizing the situation. This has to do with what we have faced in Walkerton because of the fact that changes are made but nothing is put into place.

Again, the Minister of Correctional Services talked about the fact that they did have—I believe he stated that there was a comprehensive business plan. It states here in the auditor's report:

"The ministry's decision to finance and build two 1,200-bed correctional institutions at a cost of \$180 million was not supported by a comprehensive business case assessing the risks, costs and benefits of all relevant alternatives."

2120

There are many instances in this report, that goes on not just in the correctional services, but it's indicative of a government that doesn't know how to manage. When you don't know how to manage and provide services well, you privatize, because by mismanagement you render services dysfunctional; you render them incapable of doing the job. Therefore the easy answer, the simplistic answer, is to privatize.

I'd like to remind the Harris Tories that government is not a business. It must be run in a businesslike manner but it is not a business. It is here to protect public safety. This government has said, and I heard Mike Harris say it and I heard many ministers say it, that they are not government. In other words, they don't want the responsibility of being government, because being government means that you must manage the services you must provide to the citizens of this province, manage them well so they can do their job in a businesslike manner.

As the auditor has stated over and over again, there are too many places in all the various sectors whereby there is no accountability and there is no value for money because half the services, \$30 billion, are out of reach of accountability. If that doesn't indicate to the public the erroneous road this government is on with privatization, I don't know what will. There is a fundamental difference between government and the private sector. There are things, there are services the private sector provides much better than government, but government has the role when we're talking about public safety. As the member from Brant has stated and has given factual evidence about the safety aspects, or the lack of safety aspects, in privatization, I hope the Harris Tories will listen to rational, thoughtful evidence and reconsider this track they're on to privatize.

Mr McMeekin: All around us the currents of yesteryear are turning into rapids. We know that change is inevitable and that the art of living simply demands that we co-operate with the inevitable, yet strangely many of us approach any change like the caterpillar that looks up at the butterfly and says, "You'll never find me flying around on one of those crazy things."

I listened carefully to the debate and I've asked for only five minutes tonight, Mr Speaker, because I don't pretend, like some members of this House, to have any monopoly on truth. In fact I would observe, having listened to the debate, what one of my old professors used to say: "Meaningless statistics seem to be up 8.6% this month." Everyone talks about supposed facts and figures, and one is left with all of one's values and one's sense of what's right and wrong and one thinks of one's experience in the House and of course the research bullet points provided by our appropriate staff people to wade into it and see what's happening.

I'm reminded of Bobby Kennedy, who once said, "Good judgment is based on experience, and experience invariably on bad judgment." When I heard him speak many years ago and we pondered that as part of a group, he was making the point that it's OK to make mistakes, but if you're going to make mistakes you should at least make new ones. I always thought there was some wisdom there.

I'm not sure whether this government seems intent on making new mistakes. They seem intent on repeating some of the foibles they've been in: lots of talk about donkeys and the road to Damascus and all that kind of rhetorical stuff. I've been on the road to Damascus and I can tell you it's a pretty straight road, and it's about

conversion, by the way, about choices, new choices, exciting new choices. Choices are about values. I would have preferred to see a discussion deal much more with values than with statistics and all the political rhetoric we on both sides of the House seem to want to do from time to time.

That having been said, there seem to be two or three major arguments against the bill. Before I do that preamble, I do think there are some good components to the bill, particularly if drug testing can be done safely. I haven't heard a lot of evidence that it can, and I'm very concerned about the amount of drugs that get into our prison system at present. But I want to commend the minister—who obviously is very intent on listening to the debate when he's not reading his newspaper—for some of the thinking that went into the bill.

There seem to be three basic arguments that get put against it. There's the suggestion articulately put by my colleague the critic and others that it could be a threat to public safety. There's another comment—and I think the good folks in Penetanguishene would hook on to this one very quickly—that what the government appears to be doing is abandoning the very principles they articulated in a previous incarnation, when they were looking at going to the people for support in the election. Again, we have our staff people presenting bullet points about

escape rates and assaults etc, and I don't know what the truth is there. I leave that to you gurus who deal with this stuff all the time.

I want to come to, in my last minute, the whole issue of values. I believe that while we should have only the government we need, we must insist on all the government we require. I see the prison system and prisons in general and the Solicitor General's function as an investment; not just as a cost but as an investment. I would have preferred to see us spend a lot more time on best practices when we talked about accountability. If we had focused on monitoring, if we had focused on public safety, if we had focused on prison safety and security, if we had talked about work programs that actually equip those who are doing time with the skills to cope in society, if we had talked about drug programs that worked, if we had talked about rehabilitation that's real and about restorative justice that has meaning for both victim and offender, and if we could quit talking about assumptions about everybody else's attitudes, whether they're hard or soft on crime, that's the kind of discussion we should have had.

The Deputy Speaker: Thank you. It being past 9:30 of the clock, this House stands adjourned until 1:30 tomorrow afternoon, November 28.

The House adjourned at 2130.

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Niagara Falls	Maves, Bart (PC)	Scarborough-Agincourt	Phillips, Gerry (L)
Nickel Belt	Martel, Shelley (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Nipissing	Harris, Hon / L'hon Michael D. (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe North / -Nord	Dunlop, Garfield (PC)
Northumberland	Galt, Doug (PC)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister without Portfolio / ministre sans portefeuille	St Catharines	Bradley, James J. (L)
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	St Paul's	Bryant, Michael (L)
Oshawa	Ouellette, Jerry J. (PC)	Stoney Creek	Clark, Brad (PC)
Ottawa Centre / -Centre	Patten, Richard (L)	Stormont-Dundas- Charlottenburgh	Cleary, John C. (L)
Ottawa-Orléans	Coburn, Brian (PC)	Sudbury	Bartolucci, Rick (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay- Superior North / -Nord	Gravelle, Michael (L)
Oxford	Hardeman, Hon / L'hon Ernie (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	Eves, Hon / L'hon Ernie L. (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Peterborough	Stewart, R. Gary (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Education / ministre de l'Éducation	Vaughan-King-Aurora	Palladini, Hon / L'hon Al (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Prince Edward-Hastings	Parsons, Ernie (L)	Waterloo-Wellington	Arnott, Ted (PC)
Renfrew-Nipissing- Pembroke	Conway, Sean G. (L)	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
		Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 27 November 2000

SECOND READINGS

Corrections Accountability Act, 2000,

Bill 144, *Mr Sampson*

Mr Sampson.....	5833, 5842
Mr Clark	5837
Mr Mazzilli	5840
Mr Bartolucci.....	5841, 5849
Mr Kormos	5841
Mr McMeekin.....	5842, 5850
Mr Wettlaufer	5842
Mr Levac	5843
Mr Hoy	5848
Ms Di Cocco.....	5849
Debate deemed adjourned.....	5851

TABLE DES MATIÈRES

Lundi 27 novembre 2000

DEUXIÈME LECTURE

Loi de 2000 sur la responsabilisation en matière de services

correctionnels, projet de loi 144,

M. Sampson

Débat présumé ajourné	5851
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First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 28 November 2000

Mardi 28 novembre 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 28 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 28 novembre 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

AGRICORP

Mr Steve Peters (Elgin-Middlesex-London): I rise today to address misconceptions about Agricorp and the Ontario whole farm relief program. The Minister of Agriculture has stated that at no time was any Agricorp money used for illegal purposes. The Provincial Auditor disagrees. The law was broken. The Agricorp Act is very clear. The OPP must be called in.

On October 2 the minister stated that "at no time was any money that was designated for the farm assistance program or the farm safety net program in danger." Who is he trying to fool? The whole farm relief program is a safety net and it was put at risk. There are no ifs, ands or buts about this. It doesn't matter whether the money was put back, because it should never have been touched in the first place.

Add to this sorry state of affairs the ongoing debacle with the whole farm relief program, a bungled program racked with confusion and mismanagement. Now, suddenly there are a series of focus groups being held, behind closed doors and by invitation only. Do they address the real issues here? No. They only look at operational changes, ignoring funding levels and other problems that led to this mess in the first place.

This must be dealt with immediately. Programs for both 1998 and 1999 must be reopened and reassessed before any more damage is done. Based on past actions, this suggestion apparently contains too much common sense for this minister, this ministry or this government to ever consider. How sad.

ENVIRONMENTAL PROTECTION

Mr John O'Toole (Durham): It gives me great pleasure to rise this afternoon and speak about a private member's bill I will soon introduce to the Legislative Assembly of Ontario to amend the Environmental Protection Act, entitled An Act to regulate the spreading and storage of sewage sludge and biosolids.

Over the past five years, the people of Ontario have told us clearly not only to protect the environment but to stand up and do the responsible thing. They want healthy

food to eat, clean water to drink and fresh air to breathe. In short, Ontarians want to know their environment is safe.

The same is true of my constituents in Durham. A group of residents have formed an organization known as Protect the Ridges, an organization deeply concerned about the integrity of the Oak Ridges moraine and the potential impact of the storage of paper sludge on this delicate ecosystem.

I share their concerns. This legislation is intended to establish a uniform system of testing, recording and reporting of the spreading and storage of sewage sludge and other biosolids, including paper sludge. Its purpose is simple and very clear. It will allow the government to determine which materials may be introduced safely into our natural environment, and how and which will be introduced at all.

I want to thank all the members of the Protect the Ridges group for keeping me informed of their hard work, including Deb Vice, Tony Pratt, Kevin Campbell, John London and of course Jane Rowe, who is a councillor, and Troy Young, who is a councillor as well. There are others.

I trust that the lines of communication will remain open. I encourage all of us to remain vigilant about protecting and putting our environment first. It is in fact our living legacy.

IMMIGRANT AND REFUGEE SERVICES

Mr Tony Ruprecht (Davenport): It always puzzles me why the Harris government is slashing, cutting and cancelling services for newcomers, especially those services designed to bring and make immigrants into productive citizens who contribute to our economy.

Why would this government gut English-language classes for newcomers? Robert Courchene, who is president of the Teachers of English as a Second Language Association of Ontario, says you are leaving these kids behind. Jan Bivall, curriculum consultant for the York Region District School Board says, "The long-term implications for students will be grave."

We're stacking the odds against these kids. We want Ontario to be global. We need people who are bilingual and even trilingual. If these children aren't successful in school, they are going to weigh on our society and be failures.

To the Minister of Citizenship, I simply say you have received \$35 million from the federal government for

newcomer services and you've sat silently on your hands and done nothing while other ministers have taken away that money from you. The Treasurer has folded \$35 million into general revenues.

I say to the minister, shame on you. It is about time we have to invest in newcomer services.

KITCHENER-WATERLOO ECONOMY

Mr Wayne Wettlaufer (Kitchener Centre): In a recent report, the governor of the Bank of Canada, Gordon Thiessen, predicted that the Canadian economy will grow at a rate of 5% this year. This is good news for all Canadians.

What Mr Thiessen might have added to his report is that the Ontario economy is not only the fastest-growing and strongest in Canada, but it is also recognized as being the fastest-growing and strongest among all jurisdictions within the G7.

The best indicator of just how strong the Ontario economy is is the fact that Ontario accounts for over 40% of all new jobs being created in the country, a fact the federal Liberals have managed to overlook as they clamour to take the credit for many of the accomplishments of this government.

I am very pleased to advise you that the Kitchener-Waterloo region is one of the strongest regional economies in the province and in the country. Ironically, the success of our region's economic growth has brought with it a number of problems, the major one being serious skilled labour shortages. The shortages are not limited to just high-tech companies but have also affected other sectors such as construction, truck transportation, engineering, food services and accommodation.

However, the most surprising to me is the fact that the labour shortage in our region is also causing problems in the recruitment drive of the Waterloo regional police department. Sergeant Greg Lampert, who oversees the Waterloo regional forces recruitment drive, has stated that the recruitment shortage is not limited to our region, but that overall in Ontario there's a shortage of applicants for police jobs. This must be a first, and it is a sign of our prosperous times. The Waterloo region should be congratulated for its excellence and its respect, but I also encourage many young women and men to respond to the career of police.

DIANE HAMRE

Mr George Smitherman (Toronto Centre-Rosedale): Today I wanted to stand and pay tribute to a public servant, the mayor of Clarington, who recently retired after nine years of service in that position. Diane Hamre has had a distinguished career in working on behalf of the people of Clarington and of Durham region.

I wanted to stand to recognize that last Thursday I had the opportunity, on behalf of Dalton McGuinty, the leader of the Liberal Party, and members of our party to be there in Clarington, along with about 400 local resi-

dents, to recognize the efforts that this member has made on behalf of that very progressive community in Durham region. Diane Hamre has not only made a contribution during her nine years as mayor there, but she has also made significant contributions as a member of Durham regional council at the Greater Toronto Services Board and as a member of the GTA mayors and chairs.

I had the opportunity in a past life, when I served as chief of staff to Toronto Mayor Barbara Hall, to meet that mayor, and she worked very hard, alongside other mayors, to begin to develop more progressive policies with respect to the development of the greater Toronto area.

While her service to that community will no doubt be missed, she looks forward to having the opportunity to spend more time with her family. I hope that all members would join with me in passing on our warmest regards to her as she moves along.

Clarington has the motto, "A city with a future." We can only hope that the work she has done will live on, if this government opposite doesn't choose to amalgamate that municipality.

DOCTOR SHORTAGE

Mr Gilles Bisson (Timmins-James Bay): For many years, we have had a desperate shortage of doctors in communities across northern Ontario. In fact, in the communities of Timmins and Kapuskasing we now find ourselves with over 10,000 patients without doctors. Hearst is in a similar situation, although the numbers are not as grave.

The part that really bothers all of us in northern Ontario, as most people, is that the government back in 1995, when Mike Harris was running, said they had a solution to finally solve the issue of bringing doctors to northern Ontario. We're six years later and we have fewer doctors now than we did six years ago.

I say to the government across the way, obviously what you're doing is not working, so why don't you for once listen to somebody else, listen to what we in the NDP are saying, listen to what doctors and district health councils are saying when it comes to creating a northern medical school in order to train people in northern Ontario in the discipline of medicine?

We know that the best way of keeping doctors in communities is by being able to promote people within in order to go into the profession, where they can come back to their own communities and provide much-needed health care as doctors in communities like Kapuskasing, Kenora, Iroquois Falls and other communities that are looking for doctors.

I say to the government across the way, what you've done hasn't worked. Admit it. It hasn't worked; it's been a failure. Why don't you listen to the people of northern Ontario for once and start working toward the implementation of a northern medical school to finally find a solution to what is happening in northern Ontario?

1340

NEWMARKET CIVIC SERVICE AWARDS

Mrs Julia Munro (York North): I rise today to honour the recipients of the town of Newmarket's Civic Awards 2000. I had the privilege of attending the awards ceremony last Tuesday. This annual event honours volunteerism in the town of Newmarket. I would also like to take the time to mention the recipients by name in recognition of their service to their communities.

The five-year volunteer service award winners: Kirk Kelly, Rita Stones and Chris Kalan Tidmad. The 10-year volunteer service award winners: Kelly Anderson, Cheryl Aslett, Jim Greco and Beverly Verwey. The 15-year volunteer service award winners: Jean Crossland, Gail Desveaux, Debbie Nurse and Ted Williams.

The chair's award went to Ken and Fran Hill. The youth volunteer award went to April Pezzaniti. The visual arts and culture award winner was Garry Gatti. The recipient of the Herb Cain Memorial Sports Award was Jim Wells Sr. For outstanding achievement the award went to Ildiko Luxemberger. Our outstanding team sports recognition awards went to the Newmarket Redmen Minor Atom AA, the Newmarket Minor Softball Senior Mite Boys rep team and the Newmarket Redmen Midget AA team.

The seniors' award went to Herb Mays. The music award went to Donna Waterworth. Police Officer of the Year is Constable Stephan Pleskina. The Raymond J. Twinney Memorial Award is Jamie Suderman. Lawrence Lassaline won the Citizen of the Year Award.

SCHOOL EXTRACURRICULAR ACTIVITIES

Ms Caroline Di Cocco (Sarnia-Lambton): Sarnia-Lambton had no history of problems regarding extra-curricular activities, but now, thanks to the mismanagement of education by the Harris Tories, we're having some real problems. I want to read an excerpt from one of the students. He says:

"I am a grade 12 student at SCI&TS. I am active in school music department activities..., drama, and also sports activities. The coming cancellation of the activities that I choose to participate in has upset me greatly."

He goes on to say: "Also, because of these cessations and cutbacks in school activities the morale at my school is at an all-time low. The teachers are upset that they can't run the activities" and "the students are upset because they can't participate in the activities...."

"Teachers do not try to force propaganda on us like certain government officials who, wasting several million dollars in the process, tried to...."

"The government assumes that youth are not intelligent enough to know what is happening in the schools or in politics.... We are smart enough to know when people are unhappy at school and we know why everyone is unhappy. I hope voting adults would take a serious look ... at what is happening in the schools and try to rise

above the ... 'tax breaks' which the Harris government has bribed you with."

This student wrote this article in the paper, he felt so strongly about the issue.

SCHOOL TEACHERS

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I'd like to share with you an editorial which appeared in the Sarnia paper yesterday. The title is, "Teachers Show Who Comes First."

"Four hours and 10 minutes a day in the classroom, and it's too much. That's what local public high school teachers are saying.

"To make their point, they're offering their students—the ones they claim they are so committed to—a winter term without extracurriculars. They're also planning not to cover classes for absent teachers, provide assignment supervision, participate in bureaucratic requirements that take time away from teaching, use ministry programs that don't work, or complete forms required by the provincial government.

"There are few professionals, unionized or not, who would publicly balk at spending four hours and 10 minutes a day on the primary function of their work.

"As a whole, society recognizes and appreciates that teachers must do more than their required hours of teaching, but that appreciation is wearing thin.

"We have heard that teachers put in at least as many hours doing non-teaching duties as they spend in the classroom. Unless our math is wrong, that would be eight hours and 20 minutes a day when school is in. The other half of the year, school is out.

"Other people who are frustrated by their career choice or workplace situation leave it. How many teachers have actually left the profession?"

REPORTS BY COMMITTEES

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr John Gerretsen (Kingston and the Islands): I beg leave to present a report on the Family Responsibility Office from the standing committee on public accounts and move the adoption of its recommendations.

The Speaker (Hon Gary Carr): Does the member wish to make a brief statement?

Mr Gerretsen: Yes. The report contains nine very useful recommendations that the committee hopes the Family Responsibility Office will take note of and implement so that they will benefit all those people who have anything to do with the office, whether they're recipients or whether they're payers into the system. Only with the implementation of the nine recommendations will the office truly work for the benefit of all Ontarians.

I move adjournment of the debate.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

The Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

INTRODUCTION OF BILLS

ENVIRONMENTAL PROTECTION AMENDMENT ACT, 2000 LOI DE 2000 MODIFIANT LA LOI SUR LA PROTECTION DE L'ENVIRONNEMENT

Mr O'Toole moved first reading of the following bill:

Bill 149, An Act to regulate the spreading and storage of sewage sludge and biosolids / Projet de loi 149, Loi réglementant l'épandage et le stockage des boues d'épuration et des matières sèches biologiques.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr John O'Toole (Durham): Thank you, Mr Speaker. I've been working with the Minister of the Environment, the Honourable Dan Newman, as well as the Minister of Agriculture, Food and Rural Affairs, the Honourable Ernie Hardeman, to find a solution to establishing a uniform system of testing, recording and reporting for the spreading and storage of sewage sludge and other biosolids, including paper sludge.

Its purpose is simple and very clear. It will allow government to determine which materials may be introduced safely into our natural environment and how, and which will not be introduced at all.

I wanted to thank all the members of the Protect the Ridges group for keeping me informed and for their hard work, including Deb Vice, Tony Pratt, Kevin Campbell, John London, Jane Rowe and Troy Young, to name a few.

I trust that the lines of communication will remain open and I encourage all of us to remain vigilant in protecting the environment. It's the right thing to do. It is our living legacy.

DEFERRED VOTES

LABOUR RELATIONS AMENDMENT ACT (CONSTRUCTION INDUSTRY), 2000 LOI DE 2000 MODIFIANT LA LOI SUR LES RELATIONS DE TRAVAIL (INDUSTRIE DE LA CONSTRUCTION)

The Speaker (Hon Gary Carr): We now have a deferred vote on the motion for third reading of Bill 69. Call in the members. This will be a five-minute bell.

The division bells rang from 1349 to 1354.

Ayes

Amott, Ted	Johns, Helen	Runciman, Robert W.
Baird, John R.	Johnson, Bert	Sampson, Rob
Barrett, Toby	Kells, Morley	Snobelen, John
Beaubien, Marcel	Klees, Frank	Spina, Joseph
Chudleigh, Ted	Marland, Margaret	Sterling, Norman W.
Clark, Brad	Martiniuk, Gerry	Stewart, R. Gary
Clement, Tony	Maves, Bart	Stockwell, Chris
Coburn, Brian	Mazzilli, Frank	Tascona, Joseph N.
Cunningham, Dianne	Molinari, Tina R.	Tilson, David
Dunlop, Garfield	Munro, Julia	Tumbull, David
Elliott, Brenda	Murdoch, Bill	Wettlaufer, Wayne
Flaherty, Jim	Mushinski, Marilyn	Wilson, Jim
Galt, Doug	Newman, Dan	Witmer, Elizabeth
Gill, Raminder	O'Toole, John	Wood, Bob
Hardeman, Ernie	Ouellette, Jerry J.	Young, David
Harris, Michael D.	Palladini, Al	

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Crozier, Bruce	Marchese, Rosario
Bartolucci, Rick	Curling, Alvin	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McGuinty, Dalton
Bountrogianni, Marie	Dombrowsky, Leona	McLeod, Lyn
Boyer, Claudette	Duncan, Dwight	McMeekin, Ted
Bradley, James J.	Gerretsen, John	Parsons, Ernie
Brown, Michael A.	Gravelle, Michael	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ramsay, David
Cleary, John C.	Kwinter, Monte	Sergio, Mario
Colle, Mike	Lalonde, Jean-Marc	Smitherman, George
Conway, Sean G.	Lankin, Frances	
Cordiano, Joseph	Levac, David	

Clerk of the House (Mr Claude L. DesRosiers): Th ayes are 47; the nays are 40.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin question period, I bring the members' attention to the east gallery, where we have a former member, Mr Doug Rollins, the member for Quinte in the 36th Parliament.

Mr Mario Sergio (York West): I want to inform the House that we have the pleasure of being joined today in the west gallery by a wonderful class from Daystrom Public School in the wonderful riding of York West.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: In light of the bill presented today by the member from Durham, I would like to request unanimous consent for the Minister of the Environment to explain why he's allowing Dombind to be used for two more years, contrary to what Norm Sterling said.

The Speaker: Is there unanimous consent? I hear some noes.

ORAL QUESTIONS

EMERGENCY SERVICES

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. You are now in your sixth year of government, and despite all your promises and all your very expensive TV ads, your government is still failing to provide Ontarians with the emergency health care that I feel they deserve and are entitled to. Doctors and nurses on the front lines are telling us that the mess in our emergency rooms is worse today than it's ever been before in the history of this province. During this time of crisis, your Minister of Health has appeared dazed and confused, and she said it's all some kind of mystery to her.

Premier, it's clear that neither you nor your Minister of Health have a clue as to how to bring about some kind of conclusion to this terrible mess we find ourselves in when it comes to emergency care in Ontario today. As I said, you've been on the job for six years, and things are worse today than they've ever been before. How much longer are Ontarians going to have to wait before you clean up the mess you've created in our emergency rooms?

1400

Hon Michael D. Harris (Premier): I think the Minister of Health can answer.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I'd like to indicate to the member opposite that we have a plan in place to deal with the situation. As the Leader of the Opposition knows, these pressures in emergency rooms are a long-standing problem. In fact, as the Fleuelling inquest pointed out, this situation is not unique to Ontario or Canada; it is worldwide. It is a systemic problem. It is a problem of long standing.

In 1998 we brought a group together, and we have been moving forward. We have been hiring additional nurses, we have been putting in place alternative payment plans for doctors, we have started the construction of 20,000 beds, we have expanded home care services and we have introduced preventive measures such as the flu vaccination program.

Mr McGuinty: I want to remind you, Minister, that it's been six long years. We are tired of your excuses, and we expect and demand some solutions.

Let's take a look at what has been happening recently in my home town of Ottawa. On Wednesday of last week 50 patients were left waiting in the emergency room at the Ottawa General Hospital because no hospital beds were available. On Sunday, in what is becoming a regular event in Ottawa, seven more surgeries were cancelled because no hospital beds were available.

Minister, if you don't believe the doctors and nurses who are telling us these kinds of things, then listen to these facts: the amount of time the Ottawa Civic emergency room was closed to ambulances has doubled

in the past year. At the Ottawa General, emergency room patients in desperate need of a bed are now forced to wait 11 hours and 12 minutes. That's up 31% from last year. At the Ottawa Civic Hospital, patients are now waiting 10 hours. That's up 15% from last year.

I want to ask you the question I put to the Premier: why, after six long years of Mike Harris Conservative government in Ontario, have you not been able to get a grasp of the problem and come up with a solution in the interests of Ontarians?

Hon Mrs Witmer: I might put the question back to the Leader of the Opposition: why, when you knew of this problem in the late 1980s, did you not develop a solution to deal with it? Maybe we need to remind you of the quotes in the newspapers. The Toronto Star, November 10, 1986: "One of the major reasons for bed shortages is the number of beds being taken up by chronic patients who should be in special long-term-care facilities and not occupying active care beds."

Why did your government, in 1988, stop constructing long-term-care beds? If you had continued, we'd be in a position today where we had additional long-term-care beds. You had to wait for us to make a commitment and build 20,000 additional long-term-care beds, which we are doing.

Mr McGuinty: Maybe we should gather the children together, because Aunt Liz is going to tell us some stories about the 1980s. Let's jump forward to the 21st century, Minister, and talk about what's happening here today, since you've now been on the job through your government for six years.

As dangerous as the hospital situation is in Ottawa, what's happening in Hamilton is nothing short of a death waiting to happen. Here's what the local paper had to say: "The emergency room crisis got so bad in Hamilton last month that there were no more beds, no more heart monitors, no more nurses to call in for help and no more hallways to put the overflowing patients in. On October 18 and 19, all four Hamilton hospitals declared it would be unsafe for ambulances to bring any more patients into their emergency rooms." The situation stayed that way for nearly 48 hours.

Need I remind you, Minister, that Joshua Fleuelling died because there was no room in a hospital. Kyle Martyn died because he had to wait too long for treatment. I ask you again, on behalf of Ontario's sick and their families: your government has been on the job for six long years. You've created a mess. It's going to get worse. When are you going to get a handle on it, and when are you going to fix the mess your government created?

Hon Mrs Witmer: Unfortunately, again I remind the leader of the opposition that it's a long-standing issue. If you had had a plan and if you had developed solutions, we would be further along to moving forward. We have a plan. We have moved forward. We have invested over \$700 million. We have hired additional nurses. We have opened additional beds. We are opening 20,000 long-term-care beds.

I would just like to share with you that in Ottawa we have invested more than \$100 million to improve access to hospital emergency services. This includes funding for 115 flex beds, 17 discharge planners and one regional coordinator to accommodate additional patient needs for beds and to facilitate and expedite hospital discharge.

When it comes to the Hamilton hospitals, I want to again assure you that in Hamilton they have indicated that they have taken the steps necessary to buy more heart monitors, open more beds and create—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up.

NURSING STAFF

Mr Dalton McGuinty (Leader of the Opposition): My question to the same minister. If there's been one clear and consistent plan during the course of the past six years when it comes to our health care system, yours has been to blame previous provincial governments or to blame the federal government or to blame anybody rather than take responsibility for dealing with the situation. That's been your clear and consistent plan for six years.

I want to talk now about an essential part of the solution to this mess that you've created, and those are our nurses. After spending over \$400 million on severance costs prior to the election to fire thousands of nurses, just before the election you had a change of heart. Your Premier made a very specific commitment. He said he was going to rehire the thousands of nurses he fired and he specifically committed to hiring 12,000 nurses by the end of this year. Minister, we are 33 days short of the end of this year. Where are those 12,000 nurses?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): To the Leader of the Opposition: we are not blaming anyone. We are acknowledging that there are pressures within the system and we are also stating that we are prepared to deal with the pressures, unlike your government, which saw problems and took no action. We have a plan. We recognize there are pressures. That's why we set up the Nursing Task Force in 1998. The task force was comprised of the Registered Nurses' Association of Ontario, the union—the Ontario Nurses Association—and it was that task force—

Interjections.

The Speaker (Hon Gary Carr): The minister take her seat. I would appreciate it if it members wouldn't sing in unison like that, please.

Hon Michael D. Harris (Premier): Throw them out.

The Speaker: Thank you very much. I'll deal with it, I say to the Premier.

Hon Mr Harris: I'm two seats away and I can't hear her.

The Speaker: I say to the Premier, I'll deal with it. I thank him to stay out of it. I will deal with it.

Hon Mrs Witmer: I would just like to remind the Leader of the Opposition that these are long-standing problems. We are taking steps to move forward and ensure that our system continues to have the resources

necessary to meet the needs of a population that is rapidly growing and also aging, and as a result the pressure continue to increase. But I would say to you we have hired over 6,000 nurses to date.

Mr McGuinty: You didn't promise to hire 6,000 by the end of the year 2000. You promised to hire 12,000 by the end of the year 2000. I'll tell you why I'm raising this with you today, Minister. Just late last week a document came across my desk, The Ontario PC Daily Bulletin. It says, "To date, we have created almost 6,000 new nursing positions in Ontario, which will ultimately add 12,000 nurses to the system in the next three years." You specifically promised that you were going to give us 12,000 by 2000. Now you're saying 6,000 by 2000, "and then we'll come up with the other 6,000 by the end of the year 2003." The Premier made a specific commitment for 12,000 by the end of the year 2000. I ask you the same question again, Minister: where are the 12,000 nurses you promised to have on the job by the end of this year?

Hon Mrs Witmer: Our government has made available the \$375 million that we have committed in response to the recommendations of the task force. The money has flowed. The Registered Nurses' Association of Ontario is working on a plan of recruitment and retention of nurses with the government. I'm pleased to say that everyone is redoubling their efforts in order to ensure that we do have the nurses in place.

1410

As you know, recently we have provided additional money to our hospitals. We're funding hospitals today at the number of about \$8.2 billion. That is the highest amount of funding ever given to hospitals in this province. We are providing more funding than ever before for community access centres, long-term care and primary care, and for the first time in the history of this province we now have nurse practitioners, and other provinces are following our lead.

Mr McGuinty: Minister, let's go over this one more time. We have an emergency room crisis in Ontario because of your own doing. We are short of nurses because you fired nurses. We're short of beds because you close beds. We can't reopen the beds until we get the nurses. You said you were going to hire nurses. In fact, your Premier made a specific commitment prior to the last election and he said, "We will hire 12,000 by the end of the year 2000." Now you are telling us this is no longer true, that he has no intention whatsoever of keeping his promise. You're buying into this and you're telling us "No, it's OK as long as we get 12,000 by the end of the year 2003."

You know what? The busy season is just around the corner when it comes to our emergency rooms. They are already plunged into a state of crisis this very day. Because this Premier is breaking his promise, Ontario is going to be placed at even further risk at the Christmas season and just after that.

I ask you, Minister: as an advocate for Ontario patients and for their families, as the advocate for our health care system, how are you going to tolerate this Premier

breaking his specific commitment to hire 12,000 nurses by the end of this year?

Hon Mrs Witmer: Perhaps the Leader of the Opposition wants to consider and remember the tremendous negative impact on the health system, not only in this province but throughout Canada, because the federal Liberal government decreased the—

Interjections.

The Speaker: Order. Minister, take a seat. The member for Kingston and the Islands, last warning to him. We're not going to have you shouting out and yelling like that.

Minister of Health.

Hon Mrs Witmer: Perhaps you've forgotten it was your federal cousins that decreased the amount of funding. In fact, it is so unfortunate that despite the huge federal surplus, when the agreement was reached with the provinces and territories in September of this year, they elected not to flow the money until next April. Every health minister at the last meeting talked about the shortage of nurses, the shortage of doctors, the shortage of radiation therapists, and said we need a plan. We're still waiting for the federal government to work with us on a human resources plan.

PROPERTY TAXATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. It is about the Premier's latest property tax bill, Bill 140, and how much it will penalize homeowners across the province. You know that when you read the fine print of your legislation, what it does is move massive property tax increases on to homeowners and away from business properties. You know that you are all set up to ram this legislation through this Legislature with no public hearings and with no opportunity for the property taxpayers across the province to know what's in it and what's going to hit them.

Before you force massive property tax increases on to homeowners, don't you think you at least ought to hold public hearings so people will have a chance to comment and know what you're doing to them?

Hon Michael D. Harris (Premier): I am quite surprised at a leader of a party that, when they were in government, had nothing but massive tax increases provincially and the kind of downloading that led to massive tax increases on the property tax, in addition to the largest education property taxes that we'd seen since the Liberals were in office. I admit their tax increases were even larger than your tax increases.

Now you're talking about my tax increases. Since we have been in office, we have had nothing but tax freezes or cuts on every provincial tax that we inherited. Secondly, the only thing that we have done on property taxes is to take \$2.5 billion off the property tax of all the taxes across Ontario. In addition, the only thing we have done with the remaining portion of education property tax is to have tax cuts both residentially and in commercial-industrial. So don't talk to us about your abysmal record

on tax hikes and our record on tax cuts, because the facts are out there for everybody to see.

Mr Hampton: It was a simple question. I asked the Premier to hold public hearings before he rams this legislation through the House.

Premier, everyone out there knows that you've downloaded the cost of seniors' housing and social housing on to municipalities, and it's going to be a huge cost for them. We know that you're downloading the cost of ambulances on to municipalities, and that's going to be an additional \$100 million, given the standard they're going to be held to. We all know that if municipalities are going to meet that, they're going to have to do something at the property tax level. What your bill is going to do is force all of those downloading costs on to the homeowners.

It's a simple question. Will you hold public hearings on your legislation before you stick it to the homeowners across the province with higher property taxes? Yes or no?

Hon Mr Harris: I guess if my government were taking any action that would cause a tax to increase by any level of government, including the municipal government, that would be a cause for concern. Fortunately, unlike you and the Liberals, we're not doing that.

The Speaker (Hon Gary Carr): Final supplementary.

Ms Marilyn Churley (Toronto-Danforth): What hogwash. Let me remind you that we live in a democracy, or at least we used to.

Many homeowners across Toronto will be shocked by your new property tax bill. They will be crushed. Thousands of homeowners in cities across Ontario are going to be upset when they get that property tax bill, yet you have denied them an opportunity to be heard.

But, Premier, listen to this: not only that, but your time allocation motion does not allow for clause-by-clause consideration so that we can make amendments. I have amendments to make on behalf of homeowners and small business and on behalf of city of Toronto councillors, yet you are denying us that opportunity. Will you at least allow clause-by-clause examination of this bill so we can make amendments?

Hon Mr Harris: When I think of the massive tax increases under this party and the significant tax cuts as a result of our policies, both at the municipal level and at the provincial level, I find it hard to fathom that you are not in full support of a bill that in fact extends protections to homeowners, extends protections, tax relief, to low-income seniors and disabled homeowners, extends an exemption for portions of homes built for people with disabilities, extends tax relief for people in hardship, that brings in fairness to the tax system that your government didn't have the courage to do and the Liberal government didn't have the courage to do, which is why the problem was magnified when we took over. This is a bill that simply extends these protections.

I don't know why you're opposed to that. I don't know why you want to hold up a bill that offers further

tax reductions and protections for taxpayers in the province. I don't understand that logic, other than that you're tax hikers, you like governments to have more money, and we don't.

TENANT PROTECTION

Mr Howard Hampton (Kenora-Rainy River): This is also to the Premier, and isn't it interesting that the Premier is afraid to hold public hearings on a tax bill?

Premier, another part of the story is that the Ontario Property Assessment Corp, OPAC, has released new figures on property assessment values. They show that your gutting of rent control has been a financial bonanza for landlords. In the city of Toronto alone, landlords have seen the value of their rental properties increase by \$5.3 billion. That's how much the increase has been.

Premier, since you are so generous to the landlords, since the gutting of rent control and the massive increase in rents—

Hon Chris Stockwell (Minister of Labour): That's called prosperity.

1420

The Speaker (Hon Gary Carr): Would the member take his seat? Minister of Labour, come to order. Sorry for the interruption.

Mr Hampton: Since your gutting of rent control and the massive increases in rents have increased the value of the landlords' property so much, don't you think it would be a good idea to impose a rent freeze now, so that maybe the tenants could get some benefit out of this?

Hon Michael D. Harris (Premier): Since our extension of rent controls, actually using the same formula that was developed by the New Democratic Party to ensure that every tenant is extended the full protection of rent controls, and since we combined that policy with a policy of growth and prosperity, where people's property does go up—the properties of homeowners in Toronto have gone up an average of 21% since we took office. I think this is a great thing. Isn't it marvellous that people's property is now worth more than it was? When your government was in power their properties devalued, commercial properties devalued, people were unemployed, we had record unemployment, record numbers of people were on welfare. Why do you want to go back to those depressing old days? I don't understand that.

The Speaker: Supplementary?

Mr Rosario Marchese (Trinity-Spadina): The Minister of Labour was laughing hysterically at the question and the Premier didn't answer it very well, but I'm going to try it again. Multi-unit residential rental property values went up 40%—that's true—and the value is \$5.2 billion. That's fine. OPAC, the Ontario Property Assessment Corp, attributes this increase to higher rents—yes, Minister of Labour, higher rents—and to a low vacancy rate. That's what they said. I didn't say it; they said it. So I don't know why you're laughing hysterically.

The Minister of Labour and the Premier should know that in Toronto alone, and many other areas, rents have increased by 1,000 bucks for a two-bedroom apartment.

You should know that, or ought to know that. Meanwhile, evictions are up everywhere across Ontario and many more people are having a hell of a time making those payments.

Premier, doesn't it bother you just a little bit that landlords have made \$5.2 billion in value off your rent de-control while tenants are being thrown out in the street? Doesn't it bother you just a little bit?

Hon Mr Harris: When we extended full rent protection to every tenant in the province when we took office, we also extended the formula to that extension of full rent protection for every tenant in the province, and that has led last year, for example, to the lowest increase allowed in 25 years.

Residential properties are going up in value, business is making more money, more people are being employed and last year we had the lowest rent increase allowable under law under our full rent protection for all the tenants than we've had in 25 years. I thought you'd be standing up and saying, "Is this a great province, or what?"

MENTAL HEALTH SERVICES

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Health. Scott McLennan is 35 years old and has suffered from schizophrenia for the last 16 years. Last January, presumably in the throes of delusion, Scott attacked his mother, stabbing her several times.

He was admitted briefly to an assessment centre but was later transferred to jail. The judge ordered a treatment program for Scott, but he was released from jail on to the streets and the treatment never happened. Since then he has been briefly in and out of a psychiatric hospital and in and out of jail three more times. He has spent far more time in jail than in a hospital bed.

Last month, Scott was released from the Elgin-Middlesex Detention Centre. He was released into the community once again with no supervision, no support and no place to go. No one knew where he was until last weekend, when a cousin found him in a hospital, held once again for assessment.

Minister, Scott's mother is in the gallery today and she's afraid. She's afraid for her son, and she's afraid for others who might be endangered if Scott becomes violent again. Bernice McLennan wants to know why there has never been anything for her son but a jail cell.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member knows, we have been very committed to creating a modern, accessible mental health care system that responds to the needs of all Ontarians. We have been moving forward in that regard now for the last number of years. What we've been endeavouring to do is to ensure we have a system that is integrated, that provides hospital beds when necessary but that we also give people the opportunity to live in the community because this is certainly what has been asked for.

As you know, as recently as last week I made an announcement, and that announcement involved an

additional \$72 million to help house and support people suffering from severe mental illness. That announcement means that more than 2,600 people who are homeless or at risk of being homeless will have the opportunity for the immediate and needed housing that is so necessary. The people, as well, who are living in the community are supported by ACT teams, 24-hour support teams—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

Mrs McLeod: It's important to know that Scott's not alone in his experience with our mental health system. I had another case very much like his in my constituency office just last Friday, and there were three other cases in my office alone in Thunder Bay last week, where people with mental illness could not get the help they needed.

Brian's Law is to be proclaimed on December 1. It's a law that holds out hope to the families of schizophrenics but causes extreme concern for those who don't believe there will be the community supports in place that will make it work. You held off proclamation of that law until December to ensure there would be adequate community resources in place, and it hasn't happened. You have invested some \$150 million in the mental health system; at least \$600 million is needed. The money you announced last week was announced two years ago. You are just now getting this year's program underway.

Scott McLennan and others like him are still falling through what is not a crack but a huge gap, yet you are moving ahead with the closure of psychiatric hospitals. The judge said last spring in sentencing Scott that he was going to give him another month in jail to let the health system catch up and be ready for him. It hasn't caught up yet. I ask what you will do to make sure that Scott McLennan and the people around him are kept safe.

Hon Mrs Witmer: We have been moving forward. In 1998, under the parliamentary assistant I had at that time, we undertook a review of the mental health system. As you know, this is a group of individuals who suffer from severe mental illness. I think all of us in the province wish to ensure that the services these individuals need will be provided. I would also remind you that we put a moratorium on the closure of psychiatric hospital beds to ensure the community services would be there for all people in this province who needed them. We have been moving forward with new ACT teams that are providing the 24-hour support that those who are severely mentally ill require. We will continue to make the significant investments in the mental health system that we have been doing.

I would remind you there has been significant new funding. There have been significant new supports put in place, new homes for these individuals. As you know, the community organizations that have received this money are working as hard as they can.

LABOUR LEGISLATION

Mrs Brenda Elliott (Guelph-Wellington): My question is for the Minister of Labour. As Bill 139 works its way through the legislative process, constituents in my

riding of Guelph-Wellington are being bombarded by news reports focusing on misleading spins from union bosses who are wrongly suggesting our government is somehow imposing a 60-hour workweek. This is in spite of your many statements to the contrary.

I'd like to turn your attention to the Blueprint, in particular to the section called "Jobs, Growth and Opportunity," and to page 14, where under the section called "Expanding Workers' Rights," we've promised the people of Ontario, "Whether you're in a union or not, we think the focus should be on protecting your individual rights. That's why we've worked to restore the balance of power between unions and employers while strengthening the rights of individual workers."

1430

A little further down: "With the way the workplace is changing, more workers and companies want to set up arrangements other than the traditional Monday-to-Friday workweek. We'll give workers and employers more flexibility in designing work arrangements to meet their needs, such as flex-time and four-day weeks."

Minister, the people of Ontario have come to expect the Harris government to be a government that makes promises and, more importantly, keeps their promises. In Bill 139, are we or are we not keeping our promises to the Ontario voters?

Hon Chris Stockwell (Minister of Labour): Thank you for the question. Yes, we are. You're absolutely right.

Interjection.

Hon Mr Stockwell: I understand why the Liberals would snicker. It's a foreign thought to you guys.

In Bill 139 and in Bill 147, we're bringing forward changes to the legislation that talks about a flex workweek, that talks about a four-day workweek, in fact. It does. Today, if you wanted to have a four-day workweek, working 10 hours a day and 40 hours a week, you couldn't do it. You've got to seek a permit. It's against the law. We want to create flex workweeks. We want to create opportunities for employees to create their own workweek because the workplace has changed. It's a different place than it was in the 1960s when this bill was originally passed.

When we campaigned in 1999, we talked about these specific issues in the Blueprint. These issues were addressed. We dealt with them here in the House. We've introduced legislation. We made a commitment to make these changes.

Another good example is the 10-day crisis leave. We made a commitment to create 10 unpaid days for crisis leave for employees who work in businesses of 50 employees or more. We've done that, and I think we should be proud of the fact that we're delivering on our promises.

Mrs Elliott: I actually want to refer to the Blueprint again. On page 35, I refer to a section called "A Better Future." On page 37, an entitlement is "Family Crisis Leave," and I quote: "We've all been in situations where sudden family crisis makes it impossible to go to work—

a child is suddenly hospitalized or an aging parent is diagnosed as being terminally ill. We think families deserve our support in helping teach other through these kinds of emergencies.

"In order to help people care for their children and other family members in medical emergencies, we'll allow employees of companies with 50 or more workers to take up to 10 days a year of unpaid, job-protected family crisis leave for recognized family and medical reasons."

I understand that is in this bill, Minister. I would like you to reiterate to my constituents who are being given false information about this bill that this is indeed in there in its entirety. Today we are again completing another promise that we made to the voters during our election campaign.

Hon Mr Stockwell: The difficulty is that a lot of information is being sent out that is just flat out inaccurate. The simple fact is that the—

Interjection.

Hon Mr Stockwell: Look, I can understand why the Liberals would be very upset about this question simply because when we make a commitment, we live by it and we're doing it.

Interjections.

Hon Mr Stockwell: Here we go. There's Mr McGuinty. It's lucky I just happen to have this quote that Mr McGuinty made in the past. We talked about the teachers, ordering them back to work, just last week. Remember? On the Monday, Mr McGuinty said his party would support speedy passage of the bill. Now on the next day—you know, that's code language to Liberals. All of us would think, "Hey, I support that bill," but in code language to a Liberal when they say to you his party would support speedy passage of the bill, it means, "I'm against it and I'm voting no." That's the Liberal definition of "speedy passage" to a bill. And not to be outdone, the member for Hamilton East could even make Mr McGuinty look straightforward.

The fact is, we have kept our commitment. There will be 10 days of unpaid leave. We said we'd do it. We're carrying forward doing it for the workers and employers in the province—

The Speaker (Hon Gary Carr): Order. The minister's time is up. New question.

OCCUPATIONAL HEALTH AND SAFETY

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Labour. Minister, I want to ask you about health and safety in the workplace.

Interjections.

The Speaker (Hon Gary Carr): Stop the clock.

Interjections.

The Speaker: Order. Start the clock. Sorry for the interruption.

Mr Agostino: I find it interesting that as I get up to ask a question about injury and death in the workplace,

the Tory government finds it humorous and starts cracking jokes.

Minister, let me ask you about your ongoing attack on working men and women. You've passed legislation today and in the next week or two you're going to pass further legislation in this House that all leads to the same end result: that it is harder for working men and women to unionize, more difficult for working men and women to have safe working conditions, whether it's in construction or on general work sites, whether it's in workplaces across Ontario.

Minister, you know the stats—whether it's construction, whether it's factory work, anywhere you want to look at—that sites or places that are non-unionized have a greater risk of death and injury to working men and women than sites protected by unions. Your legislation continues to take us down that path of less safe workplaces, more injury and more death to working men and women. The stats are clear. Unfortunately, it is going to happen. Minister, how are you and your government going to deal with the increase of injuries and deaths in the workplace as a result of your legislation?

Hon Chris Stockwell (Minister of Labour): I do consider this a very important issue and I don't think the Liberals should laugh about it either. I think it's a very, very important issue that faces the province of Ontario.

I don't think the broad assumption you make is too accurate. Simply put, the assumption you make is that there are more deaths in non-union construction sites than there are on union construction sites. The whole number's true, but there are more non-union construction sites than there are union construction sites. So when you work it out on a percentage basis, the simple fact, considering that there are significantly more non-union sites is that there are more accidents per ratio. It's like making the argument that more male bus drivers get into accidents than female bus drivers. That's probably true; there are more male bus drivers out there.

Your argument isn't fair. Of course there are more accidents on non-union sites simply because there are significantly more non-union sites. It's a slam against the non-union construction sites to say that they're not safe that they're unsafe, that you go to work and you're going to die. Simply put, you're telling the people of this province that if you run a non-union workplace, you're somehow an unreasonable, unfair employer who doesn't care about your employees. That's crazy. You shouldn't say that.

Mr Agostino: Unfortunately, the minister doesn't know his stats. The sheer numbers aside, when you look at the percentage of accidents, there is a 2.5 times greater chance of death or injury on a non-unionized construction site than on a unionized one, Minister. Those stats are clear, and you're wrong.

An inquest was recently held in Hamilton into the death of Donald Crawley, killed on the job at Dofasco. That inquest has recommended more visits by inspector and an increase in inspectors to visit work sites.

Over the last five years, your ministry has slashed the health and safety operations division by \$8.2 million and a staff reduction of 20%. Those are the cuts you have made to the division that is supposed to inspect health and safety in workplaces. The division's supposed to be in charge of preventing death and injury in the workplace. Your track record, Minister, is atrocious when it comes to protecting workers on the job, frankly, whether they're unionized or non-unionized. Your cuts have shown that.

This inquest in Hamilton has asked for a greater increase here. You've gone the other way. Again, why do you continue to bring in legislation and make cuts that risk the lives of working men and women every single day on the work site in the province of Ontario?

Hon Mr Stockwell: In typical form, the member stands up and says "2.5." Where do you get the number? You won't tell us where the number comes from. You just stand up and say "2.5." He doesn't cite the author, doesn't site the—

Interjection.

The Speaker: The member for Hamilton East, last warning. Once more and you're out. Minister of Labour.

Hon Mr Stockwell: The member stands up and makes this charge. You want to analyze—

Mrs Sandra Pupatello (Windsor West): They are your own numbers.

The Speaker: Order. The member for Windsor West, please. I just sit down and you start yelling; one takes over. I'd appreciate the co-operation.

Hon Mr Stockwell: If you want to provide an actual comprehensive review of the situation, you're more than entitled to. The Workplace Safety and Insurance Board is beginning to compile these kinds of statistics. They don't exist. So making this argument that somehow non-union sites are not as safe, or, simply put, that if you go to work at a non-union site you're going to get injured or die on the job, is really reprehensible. You're slandering, in my opinion, good, honest, hard-working Ontarians who provide good, honest work for non-union construction sites.

We're not suggesting that there shouldn't be union and non-union sites, but we don't have it in our head, we don't make it part of our policy, that anyone who doesn't belong to the union is bad and anybody who does is good. That's Liberal-NDP philosophy.

HIV/AIDS AWARENESS AND PREVENTION

Mr Doug Galt (Northumberland): My question is directed to the Minister of Health and Long-Term Care. Minister, I'm aware that the World AIDS Day is quickly approaching. If you walk up to anyone on the street and ask them about AIDS, you'll probably get a pretty good response. People really understand that particular condition, and that's probably because during this last decade or so the problem of AIDS has grown on a global basis. Also, a great number of people around the world have been promoting AIDS awareness and prevention.

Minister, can you please tell the members of this House what our government in Ontario is doing to help to promote AIDS awareness and its prevention?

1440

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I would like to take this opportunity to officially recognize that Friday, December 1, is World AIDS Day. I can assure the member and all members of this House that HIV/AIDS prevention, care, treatment and support remains a top priority for the government.

Our government this year, 2000-01, will be spending over \$53 million for HIV/AIDS-related programs. This figure does not include the doctor billings to OHIP. Also, in March 1998 we announced \$10 million to establish the Ontario HIV Treatment Network, the community-based services evaluation unit and the intravenous drug user outreach program.

I'd also like to share with you a letter from David Hoe, the co-chair of the Ontario Advisory Committee on HIV/AIDS, of April 30, 1998:

"On behalf of the members of the committee, we'd like to express our appreciation for the significant shifts that have supported and steered into health policy and programs related to HIV/AIDS during your time of office.

"Many of the recommendations that have come from your advisory committee have been facilitated"—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Supplementary?

Mr Galt: Thank you very much, Minister, for that very informative response. From your comments, I can see that our government is indeed very serious about HIV and AIDS awareness, as well as prevention and care.

There's no question that AIDS has become a global epidemic, one of very significant international concern. I would hope that our federal government is putting just as many resources into HIV and AIDS as our government. Can you enlighten us as to what the federal government's commitment is to AIDS awareness and prevention?

Hon Mrs Witmer: As I say, the advisory committee that we have set up in this province certainly has been beneficial in helping us move forward with programs committed to prevention and the care and treatment of people who live with HIV/AIDS. We take a look at the fact that we're spending over \$53 million this year for HIV/AIDS-related programs, plus the OHIP billings on top of that. On the other hand, the federal Liberal government today is spending \$10 million less in order to provide funding for all of Canada. That's all the provinces and the territories. So obviously the federal contribution to HIV/AIDS is considerably less than what we're spending in the province of Ontario.

DRIVER EXAMINATIONS

Mr Peter Kormos (Niagara Centre): I've got a question to the Premier. I'm telling you, sir, that the people in this province want to know why you're putting private profits ahead of safer highways. You've decided to priva-

tize drivers' tests here in the province, a function that the Ministry of Transportation has handled now for almost four decades. You're going to fire skilled, professional examiners and let the private sector turn another piece of the public safety net into a profit centre, just as you did, with those tragic results, with the Ministry of the Environment.

Premier, why are you putting the lives of motorists at risk? Will you do the right thing, the safe thing, and keep the government in the business of testing new drivers?

Hon Michael D. Harris (Premier): The Minister of Transportation can respond.

Hon David Turnbull (Minister of Transportation): We have always committed to better customer service delivery. Last fall, MTO committed to review driver examination services, and indeed this is a continuation of this. A request for qualifications will determine the level of interest of external organizations in driver examination businesses. But let me emphasize to the member that MTO will continue to set and enforce standards. We will continue to review our programs to find efficiencies to improve customer service.

Mr Kormos: Minister, you're rolling the clock back. You should know that in 1961 the then Conservative government made a major breakthrough in highway safety when they abolished the private fee examiners and introduced a universal, province-wide, single-standard, government-operated driver examination system. Testing new drivers is a matter of life and death. You know that. You're prepared to turn that responsibility over to the private sector. You're turning getting a driver's licence into the equivalent of going to the corner store to buy a long-distance calling card.

The people of Ontario deserve safe highways. They want new drivers to be government tested by properly trained professionals. You're abandoning the government testing; you're firing the trained professionals. Why don't you put the red light to your dangerous proposal, or is it acceptable to you that the system loses its integrity and becomes corruptible, and that drivers' licences are available to anybody who can pay the appropriate fee?

Hon Mr Turnbull: I fundamentally disagree with the premise of the question. Our government fought in the last election on a Blueprint commitment to look at improving customer service and alternate service delivery systems. In the time since we became the government, we have moved to make Ontario roads the fourth-safest in the whole of North America, a better safety record than when you were the government. We will continue along that line, because we will enforce tough safety standards. But we will continue to look at better ways to serve the public.

EMERGENCY SERVICES

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Minister of Health. The amount of time that hospitals close their doors to ambulances in Ontario is the highest it has been since the critical call

registry started collecting statistics in 1989. On October 18 and 19 in my community of Hamilton, all emergency rooms were too busy to take any more patients well in excess of 90% of the time. Dr Baillie, medical director for the Ontario CitiCall Resource Registry, blames the shortage of long-term-care beds on an ongoing home care strike by workers of the local CCAC.

To add to this crisis, the Minister of Colleges and Universities recently announced in London, Ontario, that the new initiatives to enhance nursing education commitments need to be revisited, which basically means "need to be slowed down."

Clearly the measures your government has implemented aren't sufficient. We've had our warning from a credible source, Dr Baillie, saying things are going to get worse. Now is the time to act. Can you commit today to additional measures to deal with this impending catastrophe?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I would advise the member to read very carefully the report by the medical director. I would also encourage her to take a look at the responses that have been made by the hospitals in Hamilton. As you know, the executive vice-president of St Joe's, Kevin Smith, was quoted as saying he did not believe care was compromised. He believed they were meeting the need of critical care patients. Also, the Hamilton Health Sciences Corp and St Joe's have vowed that all patients will get good emergency care. As you know, they have moved forward to purchase more heart monitors, they have opened temporary beds and they have created a task force to ensure they can deal with the emergency room backlogs. Again, the flu shots are being provided. They predict that these measures will reduce the amount of time that hospitals are in that particular circumstance.

The chief of emergency at the superhospital says, "remain optimistic"—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary?

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): My supplementary is for the Minister of Health. I've had the privilege of serving in this House for two months as of today.

Applause.

Mr McMeekin: Thank you.

During that time, I've heard some great questions and some not-so-great questions, and to be fair, there have been some great answers and some not-so-great answers. I'm a pretty simple guy, and I want to ask a simple straightforward question and hope we can get a simple straightforward answer.

Last week the government-appointed supervisor talked about changes to the Hamilton Health Sciences Corp that would cost approximately \$250 million. He suggested that \$125 million of that should come from the property tax base. I'm concerned that our already beleaguered property taxpayers are going to get hammered some more, and I'm wondering if his comments reflect govern

ment policy. Is this the thin edge of a new downloading wedge?

Hon Mrs Witmer: I appreciate the points that have been raised by the member opposite. What I would like to respond in return is simply that at the present time we're reviewing the information that was provided for us. Obviously at such time as we've done a thorough review of what may or may not happen in Hamilton—at this time we're not in a position to make a response to the request. We didn't receive the information until it was made available last week to the public and the media in Hamilton. So our staff haven't had an opportunity to review it.

1450

GRAPE AND WINE INDUSTRY

Mr Bart Maves (Niagara Falls): My question is for the Minister of Consumer and Commercial Relations. Minister, I have a question for you that directly affects many people in my riding. Last May you travelled to Europe to try to improve trade relations with the European Union to facilitate the export of Ontario wines to that region.

I remember that when you returned you were optimistic that the wine trade between Ontario and Europe, specifically Italy and France, would improve. Unfortunately, this does not seem to have happened. Could you please update us on what has happened since your trip to Europe?

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): I want to thank the member for Niagara Falls for his strong interest in the health of the Ontario wine industry. I have to tell him, regrettably, that there has been very little progress since Mr Brandt and I and some representatives of the Wine Council of Ontario visited a number of the European Union countries earlier this year to deliver the message that we are very unhappy with the current situation, where the Europeans are selling through the Liquor Control Board of Ontario approximately \$390 million worth of product on an annual basis and allowing virtually nothing through their borders. Last year France and Italy accepted not one bottle of world-class, award-winning Ontario wine. That's a situation we will not allow to continue.

Mr Maves: This is becoming an increasingly frustrating situation for both myself and of course my constituents. The very countries denying access to our wines are the same countries giving international awards to our wines for quality.

Three questions: What are your plans now that the progress you made overseas seems to have been forgotten? How do you plan on reminding them that Ontario's product is worthy of their attention? Finally, is there any chance that our newly elected, do-nothing federal Liberal government will eventually do their job and take up this trade fight with the European Union?

Hon Mr Runciman: The federal Liberal government has failed Ontario producers and grape growers miserably. When we travelled through Europe, they were not aware of the situation in Ontario and the disparities in terms of trade volumes and dollars.

Mrs Sandra Pupatello (Windsor West): I know what you should do. You should disband the task force.

The Speaker (Hon Gary Carr): Will the member take his seat. Member for Windsor West, this is your last warning. I can't continue on with you screaming across. Minister.

Hon Mr Runciman: We've certainly delivered the message. The Minister of Economic Development and Trade is travelling to the European Union in the next couple of weeks to redeliver the message, but I want to say that we indicated strongly during our visit that we are not going to sit still for this to continue. All other New World producers are allowed access to the European Union. Canada is the exception.

We are, as I said, making an announcement hopefully in the next couple of weeks with respect to a first step. I want to ask consumers in Ontario to join with us in this fight for fairness in terms of their purchase decisions around wines this holiday season. Send the European Union a message in a bottle: buy Ontario.

PROPERTY TAXATION

Mr Michael A. Brown (Algoma-Manitoulin): I have a question for the Premier. As you know, Bill 140 relates to property taxes and assessment, and you also would know that shortly we will have a time allocation motion, or closure, on that bill and there will be no opportunity for public input.

Right now I want to bring to you the situation in one of my municipalities. According to notes from their treasurer, if the town was to move to the recommended range of fairness in this bill, the commercial tax class will see a 19% increase, with the residential class seeing a 62% increase in taxes this year.

Premier, do you think that's fair?

Hon Michael D. Harris (Premier): Then the municipality doesn't have to do anything. If it has no tax increases, nobody's tax will go up one cent—commercial, industrial or residential. That's their option, and I encourage them to take it.

Mr Brown: If you don't know you're wrong, you should. Last year I wrote to the Minister of Finance on behalf of constituents. This constituent paid \$4,070.31 more in taxes than the same business across the road, which, by the way, was assessed for more money. Your minister said to my constituent by way of letter that it was the municipality's fault, exactly what you just told me. The fact is, in this situation you're the municipality. It is an unorganized area. You did this. It isn't the municipality.

Premier, will you understand that this property tax bill will attack residential taxpayers and will attack small business people dramatically? Will you not recognize

that, slow down, take your time, and maybe this time we could get it right?

Hon Mr Harris: Since we are only decreasing taxes, for which we are responsible in unorganized areas, tax decreases for both commercial and industrial, as has already been announced by the minister with the introduction of Bill 140, we will be accelerating the tax reductions for commercial and industrial as well. That leaves the option in organized and unorganized areas to help ensure that that poor business whose taxes are significantly higher than in a neighbouring municipality or area—that we can start to slowly correct that problem without impacting on residential taxes.

WINTER HIGHWAY MAINTENANCE

Mr Garfield Dunlop (Simcoe North): My question is to the Minister of Transportation. As we enter into the winter season, the people of Ontario are preparing for the upcoming months of cold and snow. Boats and other watercraft have been put in dry dock, winter road maintenance vehicles are ready to work this winter, and snow tires are being installed on the family car. What initiatives is your ministry undertaking to promote safe winter driving in our province?

Hon David Turnbull (Minister of Transportation): Excellent question. Ontario's snow and ice control standards are among the best in North America. MTO has produced an information booklet called Snow and Ice Control on Ontario's Highways. It's being distributed free of charge. This booklet provides driving tips and a 1-800 number for the most recent road conditions for your region, as well as MTO maintenance standards and practices. The booklet, as I've said, is available free of charge. It will be available through government information offices—MPP constituency offices will be receiving it—government bookstores, and driver and vehicle licensing examination centres. Also, MTO provides a winter driving conditions update on a Web site, www.mto.gov.on.ca.

Mr Dunlop: Those sound like some effective initiatives from which all Ontarians will benefit. It strikes me that it would be a good idea if a lot more people in Ontario could be informed of how to drive more safely in winter conditions. As Minister of Transportation, what suggestions and advice do you have for the motorists of our province about how they can adjust to driving to suit winter road conditions?

Hon Mr Turnbull: Above all, it's important that everybody using our roads take the time to make sure their vehicle is well prepared. Plan ahead. Check weather forecasts and road conditions before you leave. Top up your gas tank in case there must be a change of your route or even the need to turn back during a storm. If a storm is expected, consider delaying or cancelling your trip, and respect, above all, road closures. Despite the best efforts of our ministry—

Interjections.

The Speaker (Hon Gary Carr): Order. Sorry to interrupt the minister. We've got conversations going

back and forth. We're almost over. If you have conversations, please take them outside. The minister is wrapping up. Sorry, Minister.

Hon Mr Turnbull: Despite the best efforts of both our ministry workers and municipal workers to remove snow and ice, extreme weather conditions may prevent roads from being reopened quickly. Please don't pass snow plows and don't go between snow plows as they are laying down salt. These are important. Of course, obviously, adjust your speed accordingly, and get this booklet.

1500

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mr Michael Gravelle (Thunder Bay-Superior North): Petitions keep coming forward to us related to the northern health travel grant.

The Speaker (Hon Gary Carr): On a point of order, the Minister of Labour. Sorry to interrupt the member.

Hon Chris Stockwell (Minister of Labour): During the interchange I had with the member for Hamilton East, he cited some numbers. He said he would provide me with those numbers. He still hasn't done that. I'm waiting.

The Speaker (Hon Gary Carr): Sorry for the interruption. We will start all over.

Mr Gravelle: Petitions keep coming forward by many northerners very upset by the gross discrimination being faced related to the northern health travel grant. I'd like to read this petition.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation; and

"Whereas a cancer tumour knows no health travel policy or geographic location; and

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding; and

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and elim-

inate the health care apartheid which exists presently in the province of Ontario."

They keep coming in. I'm pleased to once again add my name to this petition. We will not give up the fight.

PROTECTION OF MINORS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I've got a petition to the Legislative Assembly of Ontario.

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit materials;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

Since I agree with it, I affix my name to it.

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): I have another 1,000-name petition. It is a petition to the Ontario Legislature. It is northerners demanding the Mike Harris government eliminate the health care apartheid and the discrimination being practised in Ontario.

Mr James J. Bradley (St Catharines): That's not eliminated yet.

Mr Bartolucci: It is not eliminated yet.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;"—and that's discrimination—"and

"Whereas a cancer tumour knows no health travel policy or geographic location;"—and that's a fact—"and

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;"—and that's fairness—"and

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province of Ontario; and

"Whereas we support the efforts of ... OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike

Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid and the discrimination which exists presently in the province of Ontario."

I affix my signature to this petition because I'm in full agreement and give it to Katherine to bring to the table.

HUNTING AND FISHING LEGISLATION

Mr Garfield Dunlop (Simcoe North): To the Legislative Assembly of Ontario:

"Whereas Premier Mike Harris committed in August of this year at the International Symposium in Ottawa to see hunting and fishing legislation introduced at Queen's Park;

"Whereas the Minister of Natural Resources, the Hon John Snobelen, has vowed on several occasions to bring forth legislation pertaining to hunting and fishing;

"Whereas hunting and fishing continues to be an important industry in Ontario because of its recreational, economic and humane benefits to the province of Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial Ministry of Natural Resources bring forward as soon as possible an act entrenching hunting and fishing in the province of Ontario."

I'll affix my name to that too.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Ms Caroline Di Cocco (Sarnia-Lambton): This is a petition to the Legislative Assembly of Ontario.

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the communities of Sarnia-Lambton, Chatham-Kent and Windsor-Essex, and provide funding in keeping with the requests made by families or their agents."

I affix my signature to this petition as I agree with its contents.

PROTECTION OF MINORS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets; and

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit material;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I'm pleased to affix my signature to this petition.

HEALTH CARE FUNDING

Mr James J. Bradley (St Catharines): The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to the United States to receive medical attention;

"Whereas many prescription drugs which would help patients with a variety of medical conditions such as macular degeneration, multiple sclerosis, arthritis, diabetes and heart failure are not covered by OHIP;

"Whereas many residents of St Catharines and other communities in Ontario are unable to find a family doctor as a result of the growing doctor shortage we have experienced during the tenure of the Harris government;

Whereas many assistive devices that could aid patients in Ontario are not eligible for funding from the Ontario Ministry of Health;

"Whereas community care access centres have inadequate funding to carry out their responsibilities for long-term and home care;

"Whereas the Harris government has now spent over \$185 million on blatantly partisan government advertising in the form of glossy brochures and television and radio ads;

"We, the undersigned, call upon the Conservative government of Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising."

Of course I sign this petition as I'm in complete agreement with its content.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): I'm pleased to present a petition. A lot of work has been put into this by Dave Boyd, who's one of my constituents, and others who are antique car collectors and restorers.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 99 or to amend the Highway Traffic Act to allow vintage auto enthusiasts to use year of manufacture plates."

I'm pleased to support this on behalf of thousands of antique car enthusiasts in Ontario.

HUNTING IN WILDERNESS PARKS

Mr Michael Gravelle (Thunder Bay-Superior North): This is a petition to the Legislative Assembly of Ontario. I've received many petitions relating to this issue and I hope we get a formal response from the ministry soon.

"To the Legislative Assembly of Ontario:

"Whereas the Minister of Natural Resources has confirmed that the province is considering allowing hunting in Ontario's wilderness parks, including Quetico Killarney, Wabakimi and Woodland Caribou;

"Whereas the provincial government made no mention of opening up wilderness parks to hunting when it came up with the Ontario Living Legacy policy last year for a vast area of publicly owned land across northern Ontario;

"Whereas the province's wilderness parks were originally established to be sanctuaries where the forces of nature would be permitted to function freely and where visitors could travel by non-mechanized means and experience solitude, challenge and personal enjoyment of that protected area;

"Whereas opening wilderness parks to hunting undermines the principles the parks were established to fulfil, threatens animals and exposes the public to risk;

"Therefore we, the undersigned citizens of Ontario petition the Ontario Legislature to demand that the Ministry of Natural Resources renew and reconfirm its ban on hunting in all of Ontario's wilderness parks."

I support this petition and I'm pleased to add my name to it.

1510

EMPLOYMENT STANDARDS

Mr David Christopherson (Hamilton West): I have a petition forwarded to me by UAW local 251 in Wallaceburg. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the proposed changes to the Employment Standards Act would take us back to the late 1800 standards; and

"Whereas most jurisdictions in the world are reducing the level of overtime required; and

"Whereas these changes would allow companies to force overtime up to 60 hours per week; and

"Whereas the proposed changes will allow companies the right to average overtime over three weeks to escape paying the appropriate level of overtime pay;

"Therefore we, the undersigned, demand that the Ontario government implement the following improvements to the Employment Standards Act:

"Tough, proactive policing of standards.

"A living wage to ensure no one lives in poverty.

"Overtime pay after an eight-hour day, 40-hour week.

"Three weeks' vacation after five years of service.

"More paid holidays.

"Paid breaks. We need a guarantee of rest breaks in each half-shift;

"Above all, we're calling for the right of all non-union workers to vote to join a union."

I'm proud to add my name to this petition.

HIGHWAY SAFETY

Mr John O'Toole (Durham): I'm pleased to present another group of petitions from not just my riding of Durham but on behalf of all the people of Ontario: a resolution to prohibit the use of hand-held cell phones while operating a motorized vehicle.

"To the Legislative Assembly of Ontario:

"Whereas motor vehicle accidents are the leading cause of death in North America; and

"Whereas studies conducted in the city of Toronto, the United States and Great Britain have reported that drivers using cellular phones while operating a vehicle significantly increase the risk of collision; and

"Whereas people talking on cellular phones while driving may cause a 34% higher risk of having an accident;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario to ban the use of hand-held cellphones, portable computers and fax machines while operating a motor vehicle."

"We further respectfully request that" Bill 1-O'Toole—pardon me, "Bill 102, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway, be passed unanimously by all members of the provincial Legislature."

This could be passed immediately. I'm pleased to sign and endorse this petition.

SPECIAL EDUCATION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas this government has reduced funding for Ontario's special education programs without regard to the impact these changes are having on some of the province's most vulnerable children; and

"Whereas these special-needs students are now struggling with reductions in the amount of support they require with respect to special education teachers, education assistants and classroom resources; and

"Whereas these high-need children thrive on consistency and routine and these disruptions in their educational support are negatively affecting their progress and self-esteem;

"We, the undersigned, petition the Legislative Assembly of Ontario to restore fair and equitable funding to special education so that parents and teachers can provide the best future for our children."

HIGHWAY SAFETY

Mr John O'Toole (Durham): I have a number of petitions here from Joan Lonergan, who is a convenor for the St Joseph the Worker council of the Catholic Women's League. I present this on their behalf. It's to myself and to the Legislative Assembly of Ontario.

"Whereas motor vehicle accidents are the leading cause of death in North America; and

"Whereas studies conducted in the city of Toronto, the United States and Great Britain have reported that drivers using cellular phones while operating a vehicle significantly increases the risk of collisions; and

"Whereas people talking on cellular phones while driving may cause a 34% higher risk of having an accident;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario to ban the use of hand-held cellular phones, portable computers and fax machines while operating a motor vehicle. We further respectfully request that Bill 102," by member John O'Toole, "An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway, be passed unanimously by all members of provincial Parliament of Ontario," and that this be passed immediately.

I'm pleased to endorse and submit this.

NOTICE OF DISSATISFACTION

The Acting Speaker (Mr Tony Martin): Pursuant to standing order 37(a), the member for Hamilton East has given notice of his dissatisfaction with the answer given by the Minister of Labour to his question concerning workplace health and safety. This matter will be debated today at 6 pm.

MOTIONS

COMMITTEE SITTINGS

Hon Frank Klees (Minister without Portfolio): I request unanimous consent to move a motion relating to the justice and social policy committee.

The Acting Speaker (Mr Tony Martin): Do we have unanimous consent? Agreed.

Hon Mr Klees: I move that the committee be authorized to meet beyond their normal hour of adjournment this afternoon, in order to complete clause-by-clause consideration of Bill 128.

The Acting Speaker: Agreed? Agreed.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Frank Klees (Minister without Portfolio): I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes, when Bill 140 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered for third reading;

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted; and

That the order for third reading of the bill may then immediately be called. When the order for third reading is called, the remainder of the sessional day shall be allotted to the third reading stage of the bill, the debate time being divided equally among the three caucuses, after which time the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That, pursuant to standing order 28(h), the vote on third reading may be deferred until the next sessional day during the routine proceeding "Deferred Votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Acting Speaker (Mr Tony Martin): Mr Klees moves government notice of motion number 76.

Hon Mr Klees: With the permission of the House, I would like to turn over the floor to my colleague from Willowdale.

Mr David Young (Willowdale): I appreciate the opportunity to speak to this matter, a matter of some importance for a number of reasons. It is essential that this Legislature consider the contents of this very important bill so that our municipal partners will have appropriate legislation in place for the year 2001. Many in this Legislature will recall that the current legislation and some of the provisions contained therein will expire on December 31 of this year. For that reason in and of itself, it is of the utmost importance that this legislation be considered with all the haste that is reasonable.

In order to fully consider whether or not time allocation is appropriate in this instance, I would suggest to you

that it is necessary not only to consider the contents of this bill, but to consider the history of the matter with which this bill deals. It is important to consider the number of years—not weeks, not months, but years and, in fact, decades—over which the contents of this bill have been debated. I'm going to talk about that in the time I have this afternoon, because it's of some importance that we consider this is not a new initiative. This is not a matter that was introduced and discussed a matter of days or weeks ago. It was a matter of considerable debate within this province as early as 1963.

1520

I will over the next short time discuss what was involved in that debate and what numerous independent third parties had to say should be done and what governments of all political stripes did or did not do, and frankly most of it relates to the latter. Most governments simply chose to ignore the issue of property tax assessment because it was a difficult one, and it remains a difficult one. There should be no doubt about that. So government after government, regardless of their party affiliation, over the years chose to ignore this problem.

As a result, the problem continued and it festered and it grew worse and worse to the point where we, when we embarked upon this endeavour a number of years ago following the Who Does What panel, were faced with a situation in this province where in some municipalities there had not been a reassessment, a calculation of the worth of properties, for in excess of five decades, almost 60 years in some instances. So what you had was properties on the same street, similar or identical properties on the same street, in the same municipality, receiving the same services, paying markedly different taxes.

This was a problem, as I said, Mr Speaker, that did not arise over the last year or two. It's a problem that has been present for many decades. So, with your permission, what I would like to do is talk a little bit about the level of consultation, the level of investigation that has been undertaken with reference to this initiative as far back as 1963, and then talk a little bit about what has been done over the last short while and about discussions leading up to the actual bill in front of this assembly this day.

I mentioned 1963 because that is when then-Premier Roberts asked for a committee to look into this matter. It was called at the time the Ontario Committee on Taxation. This process began in 1963 and came to a conclusion of sorts on August 31, 1967, at 1 pm that afternoon. The Ontario Committee on Taxation prepared a report and provided it to the then government, a Conservative government.

To the credit of some of the members opposite, and in particular the member from Renfrew-Nipissing-Pembroke, partly because he has experienced some of this history himself but also because he is a student of the activities of this Legislature, he in his remarks last week acknowledged the long history, the long set of difficulties that have been wrestled with by government after government. He acknowledged that the government of the day some 25 or 30 years ago tried to do the right thing

and because of political pressure had to back away. Other governments, as I'll explain in a moment, didn't even head down this road. Even though the evidence was very clear in front of them that something had to be done, other governments didn't even head down this road because they knew it would be a bumpy one; they knew it would be a dangerous one. But it was the right thing to do. They knew that, as did the government of Mr Robarts when this report was put in front of them.

The report said a great many things, but let me summarize one of its first conclusions by saying that it clearly indicated that in 1967 business taxes in this province were far too high. I'm quoting from that report: "Local business taxes that arbitrarily add from 10% to 150% to the property taxes of business would be replaced by a uniform occupancy tax." It goes on to talk about how that may take place.

The report also talks about property assessment reform, and this is particularly relevant to the contents of the current legislation that we've been debating over the last week or so. It says, "Province-wide reassessment of property to reflect current values is a must. This too will be a matter of some years, but is indispensable because existing assessments are completely outdated and inequitable." That was in 1967, and no one who seriously considers this matter would suggest that things got better over the next 30 years.

That's where the Robarts government was, and they made some movement forward but chose not to proceed with any major reform. In 1977, approximately 10 years after the issuance of the report I previously referenced, Premier William Davis said that something had to be done and he too commissioned a report. The report, as was the case with the earlier report, the Smith report of 1967, and the subsequent report prepared by Willis Blair, were compiled by individuals who had no particular political affiliation but were in fact independent experts who could fairly view and assess and opine about what needed to be done. I will take a moment and quote from what the second report, Mr Blair's report, suggested.

It said in its earliest recommendations, at the very front of the recommendations portion of this document, "That all real property be assessed at market value." It also said, and made a point of highlighting, "That similar property used for similar purposes be treated in the same manner, irrespective of the status of the owner or its location." Of course, that's exactly what the current legislation in the year 2000 will do, if passed. But for various reasons, and many of them were political realities, no significant action was taken after the issuance of that report.

More time went by, in this instance approximately another eight years. At that point in time, in 1985, we in this province found ourselves with a Liberal government, that I believe was elected on June 25, 1985, and was in place for approximately five years in one form or another. To the credit of then-Premier David Peterson, he wasted no time to deal with what was clearly an issue of some importance. He wasted no time in commissioning another report. He wasted no time in asking the Minister

of Revenue at that time, his parliamentary assistant, who was Herb Epp, to opine about this. They got a gentleman by the name of David Goyette to assist in this regard. Mr Goyette by all reasonable assessments would be considered a fairly independent and forthright individual who at that juncture had considerable expertise to offer. That's undoubtedly why then-Premier Peterson engaged Mr Goyette to report to the minister what needed to be done in order to redress the enormous inequities that existed within this province, dealing with property tax.

In August 1985, the Minister of Revenue initiated this process and, to the credit of those involved, in October of that very same year a report was tabled. The report said a lot of things. One of the first things it said was, "The assessment and taxation of improvements to property and residential taxes in particular needed to be considered." There was a rather extensive discussion about what should be done in order to ensure that similar properties were taxed in a similar way. They consulted with in excess of 60 parties before coming to their conclusions. I might add that our consultation process was considerably more extensive; there were a great many more individuals consulted in the year 2000 by our government before bringing forward this bill, which some of my friends may wish to consider as they decide how to vote on the time allocation motion.

Let's go back to the report that Mr Goyette prepared, the one from October 1985. Here is what he said: "Assessment practice must proceed to an end state where similar properties are consistently assessed in a similar manner." Mr Speaker, I would encourage you, I would encourage my colleagues in this Legislature and I would encourage those watching, including our municipal partners, to consider the bill we have tabled, to consider Bill 140, and they will find that is exactly what we have done.

The Liberal government was told that "assessment practice must proceed to an end-state where similar properties are consistently assessed in a similar manner."

1530

Let me go on a bit because Mr Goyette, in his rather comprehensive report, made some other recommendations that were not acted on by the then Liberal government at any point in time during their five years in office; no action whatsoever on these key recommendations. But these recommendations are included in Bill 140, which we have tabled in this Legislature and hope to see passed, if it is the will of the members present.

The Goyette report talks about the following: that "the property taxpayer should be provided with an improved level of understanding as to the purpose and functioning of tax." Mr Speaker, I remind you and my colleagues and the people of Ontario that in fact we will have distributed throughout this province in the not-too-distant future a uniform tax bill, a tax bill that will be transparent, that will clearly enunciate and articulate to taxpayers exactly what they are paying, where it's going and why they're paying what they are paying.

The Goyette report, tabled with the Liberal government, said the following: that "there should be a higher

degree of predictability afforded to taxpayers in the determination of their property assessment and taxation." That sounds very much like the rolling averages and the OPAC assessments that are underway now and are the subject of a great deal of discussion, both in the media and in this assembly. We acted upon it. Other governments before us, including the Liberal government that asked for this report, did nothing in that regard.

The Goyette report also says that "there should be an improved level of assistance and information provided to taxpayers who undertake to appeal their property assessment." There is a proposed process that would allow for that if our legislation is passed.

I'm going to try to jump forward as quickly as I can, but I think it is worth noting that the other opposition party in this Legislature also recognized the problem. They also realized that property taxes were a problem when they were in government. When Mr Rae was the Premier of this province and was in a position to do something about the clear inequities that existed throughout this province on the subject matter of property tax, he had the opportunity to do something and he started down the road.

He started down a road that he knew was going to be dangerous. Unfortunately he didn't complete his journey. What he did was that in April 1995, just before the actual election that followed in June of that year, he had Anne Golden and others investigate this very matter to determine what would be appropriate, what would be fair. The GTA task force was one that, I think by reasonable assessment, would certainly not be called a Progressive Conservative coalition of parties. It was one that brought together some considerable expertise, and it was one that said very clearly, when discussing the property tax situation, particularly in the GTA, the following, and I'm going to quote from the press release that was put out by Ms Golden at the conclusion of her investigation in January 1996:

"The task force undertook a thorough analysis of the property tax system and the options for eliminating the two most pressing problems—the erosion of the assessment base through successful appeals and the inequities in the property tax system. Extensive research conducted for and by the task force led them to the conclusion that a system based on actual value assessment is the most stable, reliable and equitable assessment system."

Our government, the Mike Harris government, unlike its predecessors, acted upon the direction we received from the authors of that report and others. We knew there was a problem and we knew that it would be difficult to correct the problem, that it would be difficult for a great many reasons, which included the inaction of many of our predecessors and the fact that many municipalities just weren't prepared to make difficult decisions when it came to taxation within their communities. But we did the right thing. Within four months of the election of the Mike Harris government, we proceeded with a process that we are here today as a part of. I said at the outset of my comments that in my view this is not a time alloca-

tion motion dealing with a debate that has been ongoing for 10 days or 10 months. It has been years; it has been decades.

The Who Does What panel was commissioned in May 1996, and it made a number of recommendations. I won't read from that rather comprehensive report, other than to say that the panel recommended "a province-wide value-based property tax system with values that are up to date and kept up to date." The report went on to say, "Province-wide, three-year rolling averages should be used to help smooth out sharp fluctuations in property assessments. All properties should be assessed at their current values based on current use."

That is what the report we commissioned recommended, and that is exactly what we're doing. When viewed in the context of the history that existed over the last three and a half decades, the idea that we are attaching some efficiency to this debate, the idea that we wish to have this legislation passed in an expeditious manner, really makes a great deal of sense.

In my remaining time I wish to point out the following: in order to draft this legislation, the Minister of Municipal Affairs and the Minister of Finance engaged in a very extensive consultation process which lasted in excess of two years and resulted in dozens and dozens of stakeholders being consulted. I'm going to take a moment, if I may, to talk about the sorts of groups that were consulted. They included representatives from the city of Toronto, from the Mississauga area, from London, Ottawa, Hamilton, Sudbury, Cobourg, the region of York, Peel region and Wellington county, to name just a few. They included extensive consultation with the Association of Municipalities of Ontario, the body that is the spokesperson for municipalities across this province. They included ongoing consultation with the Municipal Financial Officers' Association as well as discussions with the Association of Municipal Managers, Clerks and Treasurers. The Association of Municipal Tax Collectors was also consulted, as was the Ontario Property Assessment Corp.

Their input is the reason we are now in a position to table this bill, which includes so many provisions that municipalities are welcoming, including the elimination of the frozen assessment listing, which municipalities were very anxious to see eliminated and which will make the role of municipalities across this province much easier than it has been in many years in the calculation of property taxes.

We also consulted with the business sector—and there should be no hesitation on the part of anyone in acknowledging this—because it's essential that this continues to be a province that sends a very clear message to our business partners that we welcome them that we are not here to put up impediments, that we are not here to place hurdles in their way, that we're here to be fair with them, because they, especially those in small and medium-sized businesses, create jobs and create wealth within this province.

We consulted with organizations like the Canadian Federation of Independent Business, an organization, by

the way, that is a spokesperson for small and medium-sized businesses across this province, an organization that has said wonderful things about this legislation, that welcomes it. We consulted with the chambers of commerce, we consulted with the Toronto Board of Trade, the Fair Rental Policy Organization, airport authorities, power dam corporations, charitable associations and farm associations. It is as a result of that extensive consultation that we are here today in a position to discuss a piece of legislation that is fair, that is balanced, that provides continued protection to the taxpayers across this province and that I would encourage the members in this assembly to pass as expeditiously as possible in the circumstances.

1540

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to follow the thoughtful comments of the member for Willowdale, just to say to the public that what we're dealing with here is a property tax bill of immense importance to every resident, every citizen of the province of Ontario. Among other things, it gives Premier Harris the authority to raise for the province about \$6 billion worth of property tax. It has profound implications for everybody in Ontario.

The public should recognize that this is being rammed through. This was introduced a week and a half ago, quietly tabled in the Legislature. I think we've had three days of debate. What we in the Liberal caucus and my leader, Dalton McGuinty, and I believe the NDP caucus have proposed is that at the very least this bill should be referred to a committee. We've requested that in writing. We've assured the government that we understand that this bill has to pass before we adjourn this session at Christmas. We've given our undertaking that we will commit to making sure that it passes.

It is clearly about making sure that the public and those who are most dramatically impacted by the implementation of this, and that's the municipalities in Ontario and the professional staff, the group called the clerks and treasurers—but the government has decided to allow no opportunity for a committee to take a look at this bill. I think that's unfortunate and it's wrong. There's absolutely no reason why it could not take place, other than the government is determined that there be no public debate on this.

I want to raise with the public several issues within the bill that should be open to debate. The first and I think the most significant part of the bill is that it will require municipalities that may be forced to increase taxes—by the way, the member for Willowdale said that much of this came out of the Who Does What committee. Dave Crombie and the Who Does What committee warned the government not to put on property taxes social assistance, social housing, ambulance services, but the government went ahead and did that. They put some of the most sensitive services on to property taxes. Crombie said, "Don't do it." For public information, Crombie headed up a panel called the Who Does What committee, hand-picked, 14 of them, by Premier Harris, to recommend what things should be funded by the province and what

things should be funded by property taxes. The government ignored their advice. They unanimously and strongly said, "Don't put these things on the property tax." But it has been done.

We know that municipalities in the months and years ahead are going to be in a position where they have services that are in immense need in their communities, but this tax bill will mean that the only way they can fund the increased costs is on single-family residential. That's a big part of this bill that the government does not want publicly debated.

I say to municipalities around the province, get this list of municipalities where you will be forced to put any increased needs on to single-family residential. I'll just read off several: Brockville, Guelph, London, the region of Niagara, North Bay, Owen Sound, Peterborough, Stratford, the region of Waterloo, and others. So when the public is watching this debate, there's no opportunity for any public input into this, no opportunity for this to go to a committee. This motion that the government will be forcing through on a vote this afternoon essentially cuts off all debate. In fact, the bill cannot be amended. Not one word can now be amended in the bill.

I just warn the government that as municipalities become aware of this—and by the way, many municipalities in the province of Ontario are only getting into the detail of the bill; they just found the bill a week ago. They're looking at the implications for themselves and will be surprised when they find that this thing was rammed through in a matter of a few days, from introduction to third reading, and they had no opportunity for input. This has a profound impact on municipalities. Those municipalities that I talked about, if they have increased needs in their communities, are going to be faced with an almost impossible decision. They will have to take the tax rates up dramatically on single-family residential, because that's the only source that will be left to them, or they're going to have to cut essential services in their communities.

So I say to us all, surely we owe the public and our municipal partners an opportunity to come before us to express their views on this bill. As I say, this particular part of the bill has enormous implications for municipalities. I repeat that no one wants to see property taxes increased, but with the services that have been downloaded on to municipalities, the slightest economic downturn will have an immediate and substantial impact on municipalities. We are passing the bill not just for one year; we'll require them forever to put the increased costs on to the residential property tax.

The second thing I want to talk about is that the member for Willowdale was saying it doesn't make sense that you can go down a street in Ontario and on one side of the street a business is taxed at one rate and an identical business on the other side of the street is taxed at a completely different rate. That was what the previous seven property tax bills were supposed to be fixing. Remember that this is the eighth major property tax bill we've had in the last three years. This has been almost a

public comedy of major bills being introduced to fix problems created by previous bills before the previous bills had even been passed. That's the language the clerks and treasurers used with us, saying nothing could prove more that this is being made up on the fly than the fact that one bill is introduced to correct a previous bill before the previous bill has even been passed.

I want to remind us that for commercial and industrial businesses in the province of Ontario, more than half of the property taxes on their businesses is set by the province. I'm not sure many businesses in the province understand that when they get their property tax bill, over half of it goes to education, and that tax is set exclusively by Premier Harris and his cabinet. It's not set by the Legislature because they've taken that responsibility and they deal with it in something called regulation.

Here we have now, three years after the government began this property tax reform, a study conducted by the Canadian Federation of Independent Business, an organization that represents business; it does fine research in the province of Ontario. They advocate on their members' public policy issues, and they do it quite well. They did a study across Ontario of what businesses pay in education property taxes. Remember, this is set by the province; the municipality has nothing to do with it. Premier Harris took over education. He wanted to be in complete control of it. He now is in complete control of it. He sets the property tax rate. By the way, it raises \$6 billion. The fourth-largest source of revenue for the province of Ontario is property taxes.

1550

What we found were identical businesses valued at \$500,000—this is education property tax—in Toronto paying \$25,000; in London paying about \$20,000; in Brockville, \$23,000; in Barrie, \$12,000; and in Parry Sound, \$5,000. So you have our business community scratching their heads, saying, "Wait a minute. I thought the province took over this to provide equity. Here we are three years after they took over the education property tax, with totally identical businesses, valued by the Ontario Property Assessment Corp equally, and one's paying four or five times as much education property tax as another business. One business in Brockville is paying almost five times as much as the same, identical business would in Parry Sound."

Nothing in this bill fixes the Brockville-Parry Sound issue. When we raised it here in the Legislature, the government said, "Well, you can't fix these problems overnight." All right, but this is the start of the solution and it's not there.

Actually, it was rather ironic that when we were debating this one evening, one of the government members said, "Oh, well, Mr Phillips, you should understand that these taxes are identical to what they were four years ago and we just simply continue them." Then he went on to say, by the way, that they are the fault of the school boards from 20 years ago. I was a school board chair more than 20 years ago, and he said, "Mr Phillips, you set these tax rates 20 years ago." I see the North Bay one

here is way out of whack. Who was the chair of the North Bay school board 20 years ago? Mike Harris. So it's Mike Harris's fault. Twenty years ago he set these tax rates, according to Mr Gilchrist on the government side. This is the government that likes to blame everybody but themselves. They blame me from more than 20 years ago, that I'm still responsible for this. I just say, well, I'll hold Mike Harris accountable then for the North Bay problem, because he was the chairman of the school board 20 years ago. Mr Gilchrist and Mr Harris are going to have to get together and he'll have to explain why he's blaming Premier Harris.

In any event, here we are now into our fourth year of "reform" and businesses on one side of the street are paying four times what businesses on the other side of the street is paying. When we said, "Where's the solution in this?" there is no solution.

Interjection.

Mr Phillips: The former Minister of Transportation is choosing to raise issues. I would just say to him, without trying to get him angry, you really should get that trucker issue solved that you promised to solve. Three weeks ago you said you had a solution; it unravelled. You said you had a solution two weeks ago. You really should, in the interests of Ontario, finally deliver on what you promised, on that solution. But you're going to have to explain to the businesses—

Hon Al Palladini (Minister of Economic Development and Trade): It's called parity.

Mr Phillips: Mr Palladini's going to have to explain to a business here in Toronto when they phone up and say, "Al, I found out that if I had my business in Parry Sound, I'd be paying property taxes one fifth of what they are in Toronto. My business is valued exactly the same. I know that that Parry Sound business is valued exactly the same. You're telling me, Al, that education opportunity is exactly the same, that no matter where you live, you get exactly the same educational opportunity. Tell me again, Al, why am I paying five times what they are in Parry Sound?" There has to be an explanation that goes beyond just, well, the finance minister's in that area. There has to be a solution in this bill.

As I say, if I could see that the government was moving to a solution in property taxes in Brockville versus Parry Sound, then perhaps we could understand, but here we are today with the government unwilling to even allow this to go to committee. The public might say, "What's so important about it going to committee?" This bill will allow Premier Harris to set \$6 billion worth of property taxes. It will handcuff—

Hon Mr Palladini: It's the municipality that determines it, Gerry.

Mr Phillips: Now, this is interesting. Mr Palladini says the municipalities will determine this. If you believe that, Mr Palladini, you don't understand this bill. This bill gives Premier Harris the authority, the right—and he will do it—to set \$6 billion worth of property taxes. No question about it. If any municipality tried to do this behind closed doors, as he does—he's setting these taxes

down the hall, behind closed doors, with no opportunity for public input into it. It's just simply wrong.

The best illustration of that is the fact that here we are and there's not one opportunity for any municipality to let their voice be heard. There's not a moment for any public hearings on this. It is designed to essentially handcuff many municipalities.

I say to the public, it's a terrific opportunity to see the way this government likes to work, and that is to ram through a bill and give those who are impacted no opportunity for input. I can guarantee that in the spring, when the problems really get severe, Premier Harris will do what he does every time. He'll blame somebody, anybody. In this case he'll blame the municipalities, even though he downloaded on to the municipalities against their will. Against the advice of his own Who Does What committee, he downloaded social assistance, social housing and, I might add, transit, ambulance service. We heard from the auditor just last week. The auditor is saying that's a mistake, but the government is proceeding with that. All of those things are happening without even an opportunity for some input by the affected parties.

Mr Speaker, you can understand why we in the opposition think it's wrong that a bill of this importance be dealt with this way. By the way, this bill should have been produced weeks ago, but the government kept it hidden until after the municipal elections, dumped it out, and is now ramming it through. It's just a bad way to make public policy. I find it unfortunate. I would warn the municipalities that want to get involved in this bill that, tragically, at 6 o'clock today the opportunity for any input is completely and totally gone. I think that's unfortunate.

Mr Rosario Marchese (Trinity-Spadina): I'm happy to be engaged in this debate. We are on live. It's 4 o'clock and it's Tuesday afternoon, the day after the election. What a disaster that was, in more ways than one. But we're here to discuss yet another problem, Bill 140.

It was interesting to hear the member from Downsview. We have discussed this issue for so long, he said, it's time we move on. We don't need hearings, he said. I was surprised by that comment. Imagine that we could advance the argument that this issue was so old that we really don't need any debate in committee because it's been presumably dealt with by somebody, the government or maybe municipalities. By the way, if some homeowners are about to be whacked by a market value assessment that puts them at a higher level and all of a sudden they look at that bill and say, "Oh, my God, what the heck did this?" and they start screaming about the problem, you see—

Hon Mr Palladini: It's not a bill.

Mr Marchese: What, Al?

Hon Mr Palladini: It's not a bill.

Mr Marchese: It's not a bill. This bill is not a bill?

Hon Mr Palladini: No.

Mr Marchese: The assessment is not a bill.

Hon Mr Palladini: The assessment is not a bill.

Mr Marchese: When you get your current value assessment on your house, it shows the value of your home. It's assessed at a certain value. If it's assessed at a higher value this year than last, you're going to get whacked with a tax bill. It means you're going to have to pay a whole heap more money than before. That's what it means.

1600

Let me suggest to you, good citizens of Ontario, why the Conservatives are not taking this bill into committee. The reason we're not doing it is because some of you homeowners might find out a little more about what this government is doing and, if you found out a little more about what's going on, you might end up wanting to make a deputation in those committees. You might want to have your say about what gives here in the province of Ontario.

The government wants to be able to slough this off as quickly as it can to the municipality so that it can say, as it always does, "We've given them the tools to deal with this fairly. In the event there is some unfairness that arises out of this bill, the city has the tools to fix it. It's not us. It's them. But don't you worry. With the tools, they'll be able to mitigate those effects, so it ought not to be a problem." I think that's the way the reasoning would go if they articulated it that way, but they don't. The way they articulate a defence for not taking it to committee is, "It's been discussed. Everything is OK. We are achieving through this bill a great deal of fairness, because that's what Conservatives are all about."

If you accept, good taxpayers of Ontario, that this government is achieving fairness, which some of you might at first blush decide is the case, then you don't have to look at the bill any further. But the bill is a thick one, and I said last week that most of the Conservative members don't read those bills. They might claim that they do, but I know they don't. To be fair, it's not because they don't want to, but because they can't, because they introduce so many bills in this House, one after the other, that if they read the bills they just wouldn't be able to think, they wouldn't be able to speak, they wouldn't be able to act on anything. As a result, bills are introduced. They have a caucus meeting every Tuesday, as every other government did preceding them, and they're given the line. The line is, "This is a good bill, it's a fair bill, and let's move on."

So, taxpayers of Ontario, homeowners, those of you who are about to be whacked, and whacked with fairness, you better wake up, because when you look at that reassessment bill, that market value assessment of your home, it's going to show that you've got to pay some hefty amount for that little house of yours. The only asset you own is about to go up in value. People say, "That's the market. What's wrong with that?" What's wrong with that is that as your house goes up in value, it may be a good thing down the line if you're no longer here, it might be good for your children, but in the meantime you're stuck with a little home that's gone up in value and your property taxes are going up all the time. You're

saying, "Good God, I'm just a senior citizen and I've got very little money. I've got some, but it's not enough to pay for these problems."

Mike Harris is not coming to his aid. Most of those people are not getting the \$200 rebate. They don't have enough money to pay taxes; therefore they don't get the \$200 rebate that's supposed to make them rich. So they're not helping. The federal government gives them a little meagre sum, their meagre pension, to survive. And so they're stuck. Property value is up, taxes go up on the home, and you're on your own, taxpayer.

The member for Willowdale says, "Don't you worry about it because it's been dealt with." Sure it's been dealt with, and the people being left stuck with the problem are the municipalities that now have to find a way to help you out of the mess.

Remember the mess this government caused in its previous assessment bills? Remember that, you small business people who from time to time watch this program if you have the time? Do you remember when this government was going to whack you with 100% assessment increases, some of you 200%, some of you 300%? You were going crazy. That's what this government was doing to you the last time with all those seven bills.

We New Democrats—and Liberals, to be fair—were out there in the streets with small business saying, "This is an outrage. It will drive small business out of our cities." Lo and behold, what we take pride in, having residential and business side by side in the downtown core, would be ruined. We wouldn't have the cities we've had that Americans are proud of and come to visit. They marvel at why we can have a residential sector and small business side by side in the downtown core."

We said to the Conservative government, "You can't allow it." Where were they defending you, taxpayers, small business people of Ontario when you were about to be whacked good? They weren't there. We had to fight against them.

Remember, this is the government that said, "We are going to fix the reassessment problem." Oh, yes, they were going to fix it, and they were going to fix you good. If not for the protests, you small business people would have been in trouble and our communities in the city core of Toronto and in many other city cores across Ontario would have been in trouble. We had to protest and we did that in the streets.

What we're saying here today is, "Don't shut down the debate. People have concerns. They need to be heard." That's what democracy is all about. It's not about your passing the bill and heading off, saying it's been dealt with. That is not democracy. Democracy is about having a say. If you don't even know what's contained in Bill 140 and if they don't give you an opportunity to read it or to be heard so you have a sense of what you're about to be hit with, that is not democracy. It is most undemocratic. It's autocratic, yet this is the way this government behaves. This is the modus operandi of this Conservative government. You know that, yet you still give some of these people the credibility they don't deserve. You still

allow them to act by fiat, where you at home, not having any opportunity to know what the heck is going on, rely on these people to give you the line on what's fair and not fair.

If you accept it, that's OK, but I'm telling you this bill is not about fairness. This bill bans many municipalities, including Toronto, Hamilton, Sudbury, Niagara region and many others, from increasing the overall tax rates on business and rental apartment buildings. That means any overall tax increase would have to be borne exclusively by homeowners. Do you understand that, taxpayers of Ontario? As much as we protected small business in the past, this bill now leaves the homeowner to shoulder the burden of any tax increase. They said, "OK, we screwed up on the small business sector in the previous bills we introduced. We're not going to let that happen again." Good thing, fine, but what about the homeowners you have now left on their own to fend for themselves with any tax increases that are faced by cities? You can't deny it. It's in your bill. That's what it says. But we're not going to have any hearings on that because the member for Downsview said that we've dealt with it, that we've had too much discussion.

While we say, "It's good that you have helped small business," you're now about to say to the homeowner, "You will have to shoulder any tax burden as the result of anything the city might want to do to pay for some of its problems." I say to you, taxpayers of Ontario, this is a bad thing.

For Toronto this means a property tax increase that would have been 5% had it been spread across the entire assessment base will amount to 16% on homeowners alone. "Toronto is facing cost pressures due to transit capital needs, arbitrator labour settlements, repaying provincial loans of about \$200 million and other items. The initial estimate is that these pressures exceed revenues by \$150 million. That would amount to a 5% increase over the whole base and about 16% if it affects homeowners alone." Do you see, taxpayers, what we mean? You're about to get whacked and it's not going to be pleasant.

This government continues to download everything to the municipality, and that is a serious problem you ought to be concerned about. Mike Harris used to say—what year is this? Good God, 1992. He said to Bob Rae, the then Premier, who was considering changing the assessment system—we didn't; we backed down, because cities told us if we didn't back down it would cause the ruin of many of our cities. Some of the Tories laughed as if to suggest, "Ha, ha, they didn't do it," as if to suggest by his laughter that if we had done it and caused the destruction of our cities, he presumably would think that that was a funny thing.

1610

It's amusing, but here's what the Premier said: "Why haven't you understood that the heart, the core, of our capital city, of this province, of this country"—he was referring to Toronto—"is being threatened?" Mike Harris, the leader of the third party at that time, said that

"It is being threatened every day. Why haven't you done an impact study on these changes in conjunction with the other changes that are happening?" That was Mike then. He was so worried that—he's not laughing any longer, the member across the way. He was so concerned. He said, "You should do an impact study, because our cities are being threatened." So at the time, Mike Harris knew we could have caused a serious problem in our cities. How things change when you get into government from the third party.

Mr Leach—do you remember him, good citizens of Ontario? He's doing OK. Don't worry about him; he's doing fine. He's got a couple of good pensions; he's OK. Here's what he said: "What we're going to do is to make sure that no segment of business and no segment of residential property taxpayers get hurt as a result of bringing in property tax reform." That was mon bon ami M. Leach. He said we're going to make sure the residential sector doesn't get hit and we're going to make sure the business sector doesn't get hit. That was mon ami M. Leach, who left us.

Mrs Marie Bountrogianni (Hamilton Mountain): Where is he now?

Mr Marchese: He's doing OK. He got an appointment from Mike Harris. He's doing OK. But he left this disaster on their hands to defend, right? I'm referring to quotes from Hansard when mon ami M. Leach was here, just for the fun of reminding them what they said.

Let me go to another quote from—I don't want to skip any; it's so important—Mr Turnbull, who is right here and is now the Minister of Transportation, although he should be the Minister of Highways because he doesn't really have transportation any more. He has downloaded transit, and he's downloaded the GO trains. What does he have? A couple of highways. I don't know why they call him the Minister of Transportation. Here's what the Minister of Transportation said at the time—

Interjections.

Mr Marchese: I have so little time. Please let me finish this quote. This is Mr Turnbull in 1991: "I would just point out that we feel"—remember that good voice you had, David? It was very sonorous and would resound from one wall to the other. Remember that? You said, "This started under the Liberal government"—

Interjection.

Mr Marchese: Hold on, David. You can't hear if you're talking. "There is too much downloading on property taxes." That was David. That was 1991. I know that things change, because society evolves. And third parties change as well, presumably for the better. He goes on to say—

Hon David Turnbull (Minister of Transportation): Are you going to talk about the tax room we created?

Mr Marchese: Hold on, David, let me read it for you. This is what you said—

Hon Mr Turnbull: Be fair, be fair.

Mr Marchese: I am trying to be fair. I'm reading from what you said. "It is inappropriate to have such a

major portion of education costs borne by property taxes."

Hon Mr Turnbull: That's why we took it off.

Mr Marchese: No, David, you can't say that. Speaker, he said, "That's why we took it off." Half of education is still—

Interjection.

Mr Marchese: Are you going to let me speak or do you want to speak? It's up to you. What do you want to do?

Hon Mr Turnbull: Do you want me to take over?

The Acting Speaker: Would the Minister of Transportation allow the member for Trinity-Spadina to speak?

Mr Marchese: Minister of asphalt and a few highways, you said you removed education from property taxes. You didn't do that, David. Half of the property tax is still education tax, only you collect it. Half of it is still education. But in 1991 you said there was too much downloading and it was unfair—inappropriate, not unfair—to have such a major portion of education costs borne by property taxes. That was then, and this is now, the year 2000. How things change. Good taxpayers of Ontario, how things change.

I have a few other quotes that I want to share with the good public. Here's another one from Mike Harris, the leader of the third party in 1995, when he was in opposition: "Let us remember, there is only one taxpayer. We must stem the old politics of downloading one government's problems on to another. During the last 10 years, governments believed that our tax capacity was unlimited," and he goes on and on. That was Mike, the leader of the third party, saying there was too much downloading. How quickly he forgets. He's been downloading one thing after the other. Good God, we're downloading everything. We've got transportation downloaded to the poor cities—I just mentioned they're only looking after asphalt and highways—ambulances downloaded, public health downloaded, more welfare downloaded to the cities, to the property tax base, to homeowners and tenants. Housing, child care, more child care downloaded to the city level, and half of the education taxes are still on the backs of the homeowner and the tenant.

Is that fair? Of course it isn't. Is it fair, based on the comments by then-leader Harris and then-former member of the third party, Mr Turnbull, now Minister of Transportation, and M. Leach, who left us? Is that fair? They said downloading was profoundly inappropriate. Harris said, "We're downloading more and more to the lower levels, and it's inappropriate." Mr Turnbull said, "It's inappropriate." But once they were in government, I guess it was appropriate to download more and more on to the backs of the homeowner, whose sole value is the property he or she owns.

Unless they are independently wealthy, most human beings have one thing they value most, that they put all of their assets, their time, their life, their sweat into: their home. That's all they've got. Many don't have any of the

extra money to pay for the luxuries some of these people have on the other side. All they've got is their house.

They said, "Market value assessment is fair. If their house goes up in value, that should be a good thing. That's capitalism. It's good." And the poor old senior says, "Capitalism be damned. I've just got a little home here, and I'm about to get whacked with another thousand bucks on my property taxes and it doesn't feel good." Capitalism just doesn't feel good sometimes. Harris says, "It does feel good, because it's fair." If you're crouching a little and you get a little kick every now and then and say, "I can't afford it," that's OK, because it's fair.

Harris also said in his Blueprint, "We will work closely with municipalities to ensure that any actions we take will not result in increases to local property taxes." You can bet your boots on that one. Yes, they've been consulting with municipalities. They've got the tools at the lower levels to fix any inequity that may arise from a bill—unintended to be sure, never intended. But I just read to you a few moments ago that in most cities across Ontario it is forbidden to increase the overall tax rate on businesses and rental apartment buildings. Who do you think that leaves to shoulder the burden? You, good taxpayers of Ontario, the ones with the big pockets, presumably, to deal with the fairness you're about to get whacked with. They're leaving you that burden.

I say to you it's unfair. I say to you that income distribution ought not to happen at the municipal level, but must happen at the provincial level, where we collect income tax on the basis of income, ability to pay. Most of us in Canada have generally agreed that it's a good and fair philosophy, that if you want to distribute income according to people's ability to pay and if you want to distribute income according to issues that really matter to all of us, it ought to be done at the provincial level through the collection of income taxes done by the province. But if you distribute housing, transportation, education, child care and welfare downward, on the backs of the homeowner and the tenant, it is not fair, like Mr Turnbull said; it's inappropriate. It was inappropriate in 1991. I tell you it's inappropriate in 2000 and on.

1620

Ms Mulvale, the president of AMO, the Association of Municipalities of Ontario, said, "The government has been clear that it wants to see the property tax burden on business to decrease significantly." Then she goes on to say, "This is a reasonable goal, and one supported by AMO. Achieving it is important to the competitiveness of Ontario. However," she adds—remember, this is a Tory individual, perhaps a red Tory, I'm not sure; I don't know her very well. But she's at least concerned that as much as you want to help business, you then have the problem of helping the other people who are about to be hit with an increase. She says, "If the current income redistribution program remains on the property tax base, eg, welfare, social housing etc, achieving this goal shifts more tax burden to the residential taxpayer."

You see, it's not just me saying that because I feel I want to say that. I am reflecting the concerns of Con-

servative city councillors and the president of AMO, who say the same thing. Income redistribution is wrong if it's on the backs of the property taxpayers. It's wrong. She says it; I say it; we say it as a party. What Ms Mulvale said is, "We've got to upload, not download," and she said that's what she's going to be working on, as the president of AMO, for the next couple of years. God bless. I hope she has an effect on this government in a way that we in opposition do not, or appear not to be able to influence this government. I'm banking on people like Ms Mulvale to raise their voices and their experience as a way of protecting residents from this inequitous bill that we're about to be confronted with.

Mr Gerry Martiniuk (Cambridge): Inequitous?

Mr Marchese: You, as a lawyer, would know what that word means. It's part of the vernacular of your trade.

Another matter that I remember the member for Niagara Falls raised, because other people raised it: they said, "What about the senior citizens?" The member for Niagara Falls said, "That's OK, we've got that covered. They'll be protected." Here's what it says: "Municipalities will be able to give relief to homeowners who have taxes that are 'unduly burdensome.'" What does that mean, "unduly"? What's the threshold? What's the cut-off? Who's affected? Who's not affected? Do you know? Do the members know? They haven't got a clue. We don't know, in opposition, but they don't know in government what that means. Why? Because they're downloading to the city. "Let them worry about it." This is a positive thing, say some, because it gives municipalities flexibility to respond to the needs, for example, of low-income people.

It goes on here, "Relief for low-income seniors and disabled homeowners will be mandatory." But the amount of relief will be at the discretion of the municipality. Note: "Relief for low-income seniors and disabled homeowners will be mandatory." Isn't that neat, for the Conservative government to make it mandatory so that the municipalities are forced to provide relief. Now, it doesn't say what kind of relief. "Relief" isn't defined, just like "unduly burdensome" isn't defined. So we don't know who's going to be helped.

Some people with disabilities may be helped and some may not. It depends presumably on the amount of money they've got. It doesn't matter, if you've got a couple of dollars stashed away, you may not be able to qualify, yet you have a disability that renders you unable to earn a living that would allow you to pay for these absurd tax increases that some of you are about to face.

Remember, if relief is given by the city to one sector it has to make it up by taxing another sector, so while you have been magnanimous in giving the city the power to make it mandatory that some people get relief, what happens is that if you give relief to one group, you've got to shift it to another. Who do you shift it to? In most municipalities, it makes it impossible to shift to business and makes it impossible to shift to the landlords of this province. If that's the case, who is stuck with the burden? It's the homeowner. That's why we're saying to these

people that the download has caused a tremendous burden on municipalities, one that leaves them very vulnerable now, in good economic times, and will leave them more than vulnerable in bad economic times. You certainly know, taxpayers, that if there are bad economic times as we experienced in 1990 to late 1994, the cities won't have the money. They don't have the tax base. Their only tax base is property tax and user fees on the services they provide. It's all they've got.

What do you think, taxpayers of Ontario, will happen? If the city's able to prevent some of these market value assessment shifts by the tools it adopts, but there are pressures because of the download to increase property taxes generally, the city, not being able to do that in bad economic times, will have to reduce your services that you're so proud of and you will be complaining, "Oh, my God, these cities are not the same any more. They don't collect garbage as often as they used to. They don't clean our streets. We've got vandalism all over the city. It's going to the dogs. What is happening?"

What's happening is that these people, these barking MPPs on the other side, are downloading the responsibilities to the city and it's costing them big time. They're broke. Some cities are saying they're broke. Yes, the cities are able to manage with the download. Of course they are able to manage the download. But it comes at a great cost. It comes at a cost of cutting the programs many of you value. That's OK with Tories, isn't it, MPP Tories? It's OK with you if they cut services, isn't it? Of course it is. You can delightfully say, "It's the city that has done that, not us. If you don't like it, go after the city. It's not my problem; it's their problem; they have to solve it."

That is what they're doing. They're shifting responsibilities to another level, as they do with the boards of education, where the boards of education become the foil; however skeletal they are, they become the foil for their dirty deeds. They keep them as skeletal as they are so they can continue to say: "It's not my problem here in terms of the negotiations that are going on with the teachers and boards; it's theirs. They are the ones who have to negotiate. They have the power." Isn't it beautiful? They use them as foils. Boards of education don't have the money any more because they centralized education financing. It's taken away from them. It's in their hands, centralized here in Queen's Park.

As a result, boards no longer have any flexibility, but the Conservative government says, "Oh yes, they do. They get a lot of money from us." So when they negotiate between themselves, teachers and the unions, as they call them, "Please, don't come to us. We're not the problem. Go to them and let them sort out the problems."

1630

Do you see what I mean by using the structures that are in place as their foil for the evil that they do unto us? That's why I say it's an outrage that many of you sometimes don't see these connections. Only by seeing and making these connections will you become such a critically minded individual that with that critical con-

sciousness you'll be able to fight back. But you can't if you're not armed. You can't fight back unless you have the information, and they're not about to give you the information. We're not having any hearings on Bill 140 because they said, "We've already had enough debate." Do you see the point I was making earlier on? You need to make the connections about what this government is doing and the assault it is waging against our municipalities and the disgraceful manner in which the burden is shifting to the homeowner, whose life is devoted solely to paying for his or her little home. It's all they've got.

Market value assessment is profoundly unfair because it fluctuates all of the time. At least for the next three or four years we'll see these fluctuations that will affect many, many citizens of Ontario. There's so much trend shifting and so much fluctuation happening in one area. Depending on who decides, Cabbagetown today is much more valuable than before, people flock to it and all of a sudden property values shoot right up. The people who are there, who have lived there for such a long time on their modest income in their modest homes, face huge increases as a result of people deciding that Cabbagetown is the place they want to live in. There's nothing fair about that. There's nothing fair about protecting business and leaving the homeowner on his or her own. There's nothing fair about that.

Mr Leach said at the time, "Fairness means making sure we protect small business and making sure we protect homeowners." That's what he said then. That's what this government said then, and they're not doing it. They said downloading is inappropriate and wrong. It was wrong then, and it's wrong today. And more downloading is happening with the passage of time. As a result, you, citizens and taxpayers, are on your own. You're on your own to fend for yourself. It's Darwinism at its best. It's a Darwinian world. You survive on your own or you do not.

There's no point in coming to cry to one of the provincial members, saying, "Oh, my God, what am I going to do?" because they're just going to refer you to the city. They're going to say, "Go to the city. Let them fix it." But it's they who are culpable, because they're the ones who introduce the laws like Bill 140, and they're saying, "Go to the city. They've got the tools to fix it." You won't be able to say, "Oh, woe is me. What shall I do now?" because these members are not going to be there to protect you, to mitigate the problems for you, because they've just protected business, which we argued was good, but they're not protecting the homeowner, which we argue is bad and unfair.

There's nothing fair about this bill. Good citizens, if you believe what we're saying, you have to go after these Tories, you have to go after the Premier, you have to go after these ministers and these MPPs. You have to demand hearings, you have to demand they bring back fairness, as they said in 1991, 1992, 1993, 1994 and 1995.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):
I'm very pleased to join in the debate with respect to Bill

140, which is entitled the Continued Protection for Property Taxpayers Act, 2000. Certainly we've heard from a number of speakers here today. What we're trying to achieve here is tax fairness and to continue to provide protection for Ontario's businesses. This bill reflects the intent of our government to restore fairness to the property tax system, not in one day or one week or one year but over a period of time that is manageable and through a system that respects the needs and concerns of all stakeholders.

I reflect on my time as a municipal councillor, which spanned two terms on the Barrie city council, from 1991 until 1995. Everyone who has been a municipal councillor has heard over the years provincial leaders, provincial politicians and municipal politicians say over and over that the existing tax system in the province of Ontario was both outdated and unfair. Yet year after year, nothing was done about it; a lot of talk but no action. The same talk occurred on the unfairness that existed in policing services across the province in the lost decade.

There was a certain will, but only the will to create words. "Disentanglement"—remember that one from the NDP? Bob Rae, Floyd Laughren and Ed Philip used it every time they addressed municipal leaders, but did nothing. David Peterson was going to avoid duplication and so was his Minister of Finance at the time, Bob Nixon. But they were so busy raising taxes, adding civil servants and increasing the welfare rolls that they did nothing about duplication of services between the municipality and the province. One only needs to look at the operation of Ontario Hydro between 1985 and 1995 to see the non-leadership they provided. It is this government that had the courage to reform the property tax system, a system that was grossly out of date and extremely unfair.

Of course, restoring fairness to such an outdated tax system is a monumental task which is complex, to say the least, starting with over 700 municipalities. First of all, it requires a great deal of knowledge and the willingness to learn from provincial and municipal leaders as well as financial administrators. Second, it requires time and patience because inevitably unforeseen problems will arise. My understanding is that when the state of Florida implemented property tax reform, the process took over 10 years to achieve fairness.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Count the ballots.

Mr Tascona: The members from the other side are talking about counting ballots. One can only hope for the US presidency that they'll take a shorter period of time to count the ballots in all the counties that are in Florida. That brings up a point, because everybody probably knows that there are 67 counties in the state of Florida.

In the province of Ontario we had some assessment bases that hadn't seen any change in over 50 years. That was certainly the case in the county of Simcoe, where my riding of Barrie-Simcoe-Bradford is. Before January 1, 1994, Simcoe county contained a total of 33 municipalities, including the separated cities of Barrie and Orillia. Under the County of Simcoe Act, the county of Simcoe

restructured itself on January 1, 1994, and now has 16 municipalities, plus the city of Barrie and the city of Orillia. As part of the restructuring process, an analysis was done on the financial impact of amalgamating municipalities. It became very clear that there were severe inequities in the existing assessments. A county-wide market value assessment was proposed as one option; however, the ratepayer associations from across the county lobbied against the MVA. In the end, the county backed away from MVA and ended up with a mishmash of assessments.

Clearly, leadership and reform with respect to assessment had to come from the province. That leadership came in June 1995, when Mike Harris formed his first majority government. Municipalities began working with the government through AMO, in a process called Who Does What. A series of subcommittees was formed to look at overlapping responsibilities between the province and municipalities. Included in the Who Does What discussions was assessment reform. I think that a lot of municipal leaders felt that Who Does What committees were simply more of the same rhetoric that had been seen with Bob Rae and his disentanglement, or David Peterson and his elimination of duplication.

When you hear the members opposite or municipal representatives talk about downloading today, one must wonder how many of them sent a fax, a letter, or attended a meeting of the Who Does What committee. The fact is that the Who Does What committee provided municipalities with an opportunity for ample input, but today people want to forget that. However, by January 1998 it became very clear that many of the Who Does What recommendations would be implemented, including assessment reform. You might remember that January 1, 1998, was also the date that the new city of Toronto, under the leadership of Mayor Mel Lastman, came into existence—another courageous move by the Mike Harris government that other governments had badgered about for 25 years.

1640

Today, when you look at the amalgamation of the city of Toronto, one wonders, when you look at the tax base of this community, why they haven't sold off the old city halls, why they still remain in the possession of and as the property of the new city of Toronto. Wouldn't that be a prudent measure to ensure that residential taxpayers are treated equally across the city of Toronto?

As municipalities faced assessment reform, there is no question that they faced some very complex and difficult decisions. We in Simcoe county were very fortunate to have in place a very dedicated and competent treasurer at the county, Treasurer Henry Sander. Henry was not only able to work closely with treasury departments of the lower-tier municipalities, but worked closely with the Ministry of Finance staff as well. In the city of Barrie at that time there was a man by the name of Lorne Knowles, who passed away a short time ago. He was a tremendous contributor in terms of the financial situation the city of Barrie is in today, which is a very enviable situation. Those administrators took a leadership role.

As I mentioned earlier, we expected assessment reform to be complex and controversial, and of course it was. The largest inequity problems were in the commercial, industrial and multi-residential property tax classes. Without any capping or looking at any of the tools provided to implement current value assessment, it was clear that some properties would see increases in the area of 200% or 300%, whereas a property similar in value in another municipality would see its tax decrease by 50% or 75%. Of course, those facing huge increases were very vocal, and for good reason. Some businesses simply could not afford the increases and would be forced to close. On the other hand, other businesses that saw a proposed decrease wanted the decrease immediately, saying they had already been paying too much in taxes for too long.

Although it appeared to be difficult to implement, when the government brought forth Bill 79, which capped increases at 10%, 5% and 5% for 1998, 1999 and 2000, Bill 79 made life somewhat complex for ministry staff and treasury departments of municipalities, but it did make it easier for municipal politicians. They had somebody to point the finger at. By capping at 10%, 5% and 5%, we would allow businesses the opportunity to add those increases into their operations. Those businesses that were overtaxed would slowly see decreases because their taxes were already built into their operating budgets. At the same time, the Mike Harris government was creating an economic climate here in Ontario that was creating growth, prosperity and confidence in all sectors of the economy. Companies were beginning to hire, jobs were being created, construction was growing and Ontario was back on track.

But Bill 79 was a three-year plan. We must now move forward with the Continued Protection for Property Taxpayers Act, 2000. The bill itself amends parts of different acts with respect to property taxes, including the Assessment Act, the Municipal Act, the Education Act, the Electricity Act, 1998, the Municipal Tax Assistance Act and the Provincial Land Tax Act. We're not going to go into any details with respect to how each act would be amended except to say that once again bringing fairness to property tax is a complex process that affects many pieces of legislation.

In the 1999 budget our government made a commitment to maintain limits on property tax increases beyond 2000 to ensure the continuation of the manageable transition from the former outdated assessment system to the new current value system. That is why Minister Eves introduced this act. If passed, the bill would provide municipalities with the mitigation tools to meet the limits on tax increases. Mr Eves's plan is to accelerate business education tax cuts that will result in a further \$130-million saving for Ontario businesses in the year 2001. The \$130 million is double the reduction that Ontario businesses saw last year.

In closing, I just want to say that the total benefit from business education tax cuts amounts to \$325 million annually. This proposed legislation basically limits prop-

erty tax increases to 5% annually, replacing the 10%, 5% and 5% for 1998, 1999 and 2000. We should be clear that the city of Toronto will have the option of maintaining the 2.5% limit it chose in 1998 or moving to the 5% provincial limit. The city will have until February 28 of each year to decide whether to apply the 2.5% limit; otherwise the 5% limit would apply. The new 5% limit will start in 2001 and will remain in effect until current value assessment is fully achieved in each municipality.

One can only comment with respect to the treatment of the city of Toronto that they have hundreds and hundreds of millions of dollars in assets in terms of the unsold old city halls resulting from the amalgamation of seven municipalities in the city of Toronto. That could certainly go toward lending relief to any taxpayer base within this community.

Mr Speaker, those are the remarks I want to make.

Mr Bruce Crozier (Essex): I'm pleased today to rise to speak to this motion, that being a time allocation motion. My mother used to say, when you lost track of the count of things, that we're doing this for the umpteenth time. I think that's appropriate today in this time allocation motion, although I did take time to have a look and see that we have in this Legislature used time allocation motions to an almost unprecedented height, and that's unfortunate.

In any event, part of what's being spoken to today is the bill itself, Bill 140, and part of what's being spoken to is the fact that the government once again has chosen to choke off debate. Part of the reason they've had to do this is because, as was alluded to earlier by one of the speakers, this bill should have been brought forward a long time ago. If, after seven times, they haven't been able to get it right and knew that they were going to have to do it again, it shouldn't have been brought in so late that it has really left no option but to bring in time allocation today. As part of that motion, when it's called for third reading, there will only be one day of debate—part of a day by the time that particular event comes around.

There will be no public meetings, which is a shame. This bill affects every property taxpayer in the province of Ontario. Everyone in one way or another will be affected by this bill—good, bad or indifferent. Yet, because of the government's delay of this bill, there will be no opportunity for anyone in Ontario outside of this Legislature to comment on it. There will be, as I've said, a limited time in which we can even comment on behalf of the taxpayers in Ontario.

I want to refer for a minute to a paper written earlier this year by my colleague and seatmate, Richard Patten from Ottawa Centre, called *Democracy in Ontario*. I just want to quote briefly from that. He says, "Perhaps it would be instructive for us to take a closer look at what else this government has been up to that you may not have been aware of." He says in his paper, and he did an extensive amount of research for this, "The unprecedented, constant usage of time allocation to cut off debate on legislation. A tool put into the rules for use on the odd occasion when legislative debate is bogged

down, it is now in everyday use by the government." As a footnote, he says, "It should be noted that there have been no filibustering tactics by the opposition in the last two years."

It's now in everyday use by this government. "Both the total number of times it has been used and the percentage of times used as per the government's total legislative agenda are staggeringly high. Debate was summarily terminated over 70% of the time in the last session. This is far beyond the bounds of any previous government in provincial history." So this government is sure making history by choking off debate in the Legislature. He goes on to say, "It is in excess of the combined total of all other provinces" that use it. So they're sure making a mark in that respect. My colleague Mr Patten concludes this part of his report by saying, "The government does not want to sit in the House, but they proceed to stifle debate when they do."

1650

So much for this motion today of time allocation. But I do want to say a little bit about the bill itself in the short time that we're given to debate it, and I've mentioned that this particular bill is going to affect every property taxpayer in the province of Ontario in one way or another.

I want to read into the record, though, what one taxpayer has said, because as part of this bill there will be the opportunity for municipalities to give tax relief for low-income senior and disabled homeowners. It would allow municipalities to provide relief from all tax increases, including municipal levy increases, not just reassessment and related issues. It would also require relief to be provided from tax increases that result from future assessments. Again, as was pointed out earlier, and I reiterate, whenever you adjust one person's tax down, it's going to have an upward effect on someone else. I'm not saying that in cases of hardship or for seniors who own property whose value has escalated they shouldn't receive some relief, but I want to read to you what one taxpayer has said.

One senior facing a big tax hike was surprised to see Premier Harris drop by a coffee shop last Thursday morning, and she had the opportunity to talk to him about this bill. I was as surprised at what he said as this senior resident of Toronto was to see him there. His answer to her: "... if you can't afford it, defer your taxes until either you sell or pass on." Isn't that a compassionate way to address a senior who's concerned about escalating taxes? Die; then it won't be your problem. That's scary.

What the Premier was saying to this senior whose taxes are going to escalate under this bill is, "Well, if it goes too high we'll just let the municipality put a lien on your property." This may be—I don't know in this particular instance, but I think it applies to many—the only accumulation of some small bit of wealth that somebody has had. Seniors don't like debt, but that's exactly what the Premier was saying to them. "If you don't think you can pay those taxes, why, just pile it on debt on your house, and you won't have to worry about it if you die;

it's whoever inherits the house. Or you can sell your house to pay your taxes."

This Toronto taxpayer went on to say in this article in the Toronto Star dated November 28, "I never heard anything so disgusting in my life. If you want to stay in your house, you have to spend your children's inheritance."

That's what we're dealing with today in the eighth bill that's supposed to be before us in words of "fairness."

They've had some pretty fancy titles for the other seven bills they've brought before this House that dealt with property tax. There was the Fair Municipal Finance Act in 1997. If it was fair in 1997, why have we had to have a series of bills to fix it up? Then there was the Fair Municipal Finance Act in 1997, presumably to fix the first fair municipal finance bill. Then there was the Education Quality Improvement Act. We know what happened to quality education in Ontario. There was the Tax Credits to Create Jobs Act and then there was the Small Business and Charities Protection Act and then—whoops, another Fairness for Property Taxpayers Act, More Tax Cuts for Jobs, Growth and Prosperity Act. The titles are fancy. I wonder what they're going to title the next bill that's going to be used to fix up this one. In these eight bills that have come before us, it's a shame they use the words "fairness" and "tax" in the same sentence, because it's very difficult to do that.

I know there are others in my caucus who want to speak to this bill in the limited amount of time we have so I thank you for listening to me to this point, Speaker.

Ms Marilyn Churley (Toronto-Danforth): Actually, I call this the "home invasion act." It's a sneak attack on homeowners across the province. I raised the question a couple of times to the Premier and to the minister in the Legislature to get some answers about some of the implications of this bill, and we have not received those answers.

Let me say at the outset that I know very well from having been in government, sitting around the cabinet table, that it is not easy to reform the tax system. It's a very complex problem, particularly around municipal property taxes. I sat for a short time on Toronto city council and, having had the benefit of sitting as a councillor and as a cabinet minister in this place, I understand fully the complexities of changing a tax system and trying to make it fairer. We shouldn't pretend it's easy.

The fact of the matter is, when people talk about tax change or tax reform, everybody wants their taxes to go down. That's the reality. When anybody talks about changing taxes, or reform in particular, people think, "I should get a tax reduction." But that's impossible. When you're playing around with taxes, especially in a complicated formula such as property taxes and market value assessment, and the fact that the province is involved now in terms of taking about half of that property tax to pay for education and the downloading added to the city from the province, it's all very complicated and the formula is very complicated. The reality is, somebody somewhere has got to pay more.

What's happened with this bill is the government's decided to put all the onus on homeowners to pay for any tax increases. That is incredible. That's an incredible attack on the homeowners across the city.

My colleague from Beaches-East York wanted me to speak on her behalf today as well because she's in committee and cannot come out to speak. She wanted me to tell you that the time allocation motion today denying opportunity to speak on behalf of her constituents and the ability of her constituents to come in and speak to members of the Legislature is absolutely outrageous. She wants me to tell you and all members in the House and those watching on television that the Beaches area properties have risen by an average of 34% over this assessment period. There are a lot of seniors and people on fixed incomes living in a lot of those homes. She tells me the Beaches-East York area is going to have the highest increases across the province.

1700

My riding, what is now called Toronto-Danforth, is also going to get some very major increases. I live in south Riverdale. It's not, I suppose, one of your gentrified areas yet, although it's getting there. It's a mixture of working-class, I guess you could say, and middle-class folks. There are a lot of people living there who own their houses who bought them many, many years ago, who don't make a lot of money and will clearly have a hard time dealing with higher taxes.

But what concerns me most about this bill—because we're not really debating the bill today; we're actually really debating the time allocation motion. For those who may be watching this on television, who don't know what that is, let me explain. I've heard others talk about what's in the bill and not in the bill and it can be confusing to people because the Tories are giving a very strange version of what they think, or they've been told, is in this bill.

Anyway, back to time allocation. What the government did was bring forward a resolution that actually cuts out any opportunity to have public hearings. Even worse in some ways is that they've cut out an opportunity for a legislative committee made up of all members, albeit they have the majority, to make amendments to the bill. This is particularly alarming in view of the fact the government had to introduce eight or nine bills the last time they brought forward changes to property tax, because they kept getting it wrong. They had to keep bringing in new bills because they kept finding mistakes or municipalities were pointing out mistakes to them. There were a lot of problems. They had to keep coming back and doing it over and over. The ability for the community to come, particularly homeowners, and express their concerns is really important.

Furthermore, even failing that, to take away the opportunity from us, the members, and I would think some of the government members would want this opportunity as well, to actually sit and examine this bill, clause by clause, and make amendments to the bill here. As I said in the question to the Premier today, I actually

have some amendments I wish to make. Some city of Toronto councillors want me, on their behalf, to make some amendments. Some of them are technical in nature and some of them deal specifically with some of the clauses in the bill that they think are unfair and will make it unworkable for them.

I don't have that opportunity now to do that. Not one member in this Legislature has an opportunity to make an amendment to this bill. Well, last I heard, we lived in a democracy, although there are a lot of people questioning that assertion today. I certainly am. This is—I mean, it sounds like a cliché—outrageous that this bill, which has such horrific implications for some people, the unfairness of it for homeowners, was introduced about, what, a week and a half ago, and we've had a few hours' debate over three days, no hearings and no opportunity to make amendments. Others have pointed out today that with the downloading—and I'm speaking specifically to Toronto now. With the loan from the province that Mike Harris decided to give the city of Toronto because he desperately wanted to be able to say, both he and Mel Lastman, "Hey, the megacity's working out"—when in fact they weren't able to make ends meet, so Mike Harris gave the city of Toronto a loan to help them balance the books and there were no tax increases in the last three years. We're now expecting tax increases and/or massive cuts to essential services. Some of these services have been downloaded from Mike Harris, and others have pointed them out: social housing, public transportation, public health, ambulance, some welfare and child care. It goes on and on.

I don't want those services cut. Do you, Mr Speaker? I think not. The government did in fairness take on—they talk about trading services. They took on some services and education, but it wasn't a fair exchange. Every municipality says that they've been burdened—I didn't mention ambulances, for instance—with an incredible load of community services they have to pay for.

I want to speak briefly about small business. One of the amendments I want to make relates to small business. I want to tell the government something. I heard one of the government members speaking earlier, saying they had consulted with the small business association and the chamber of commerce and the this and the that, and they loved this bill.

I've got to tell you I met with a couple of the BIAs in my riding, one of which was the Danforth By The Valley. They just had their annual general meeting. They're not happy. They know they're capped. They were the people, along with the Chinese Chamber of Commerce, who were out—we were the first out in the street. Everybody from the opposition parties talks about that and it's true there were a lot of people out in the streets, but my riding and the small business owners in my riding were the first out on the street and I like to say others followed. We were very pleased they came with us.

But they're not happy now because they want certainty. They're pleased they're capped again, but there

are two problems here. They don't like to be pitted against the homeowners. They know that the homeowners in their community, the people who shop in their stores, the people who buy their goods, have to pick up the major portion of a tax increase. They don't like that. They want to support their neighbours. They don't like the cap in that there is no certainty.

They made a motion at that meeting that they want the city of Toronto to work with the province to come up with a special category for small business. I think that makes sense. That's where we need to go. They made it abundantly clear to me that they want this fixed. They've been having trouble planning ahead over the past three years—this is what they tell me—because they don't know what's going to happen. They've had trouble, since the last cap was put on, knowing what was going to happen. Was the cap going to be put back on this time or not? They didn't know so they were having a hard time planning.

Those are the reasons why at least some of the small businesses in my riding are not happy about this bill, not nearly as happy as the government claims. They want that certainty.

I also want to make an amendment around an error, actually, that was made in the last bill that was never corrected; it was partially corrected in this one. There are a few hundred businesses that got caught in a loop where some were new businesses and some had just recently had their category changed. They got caught and they didn't get the cap. They were paying a hundred, two hundred, three hundred, I don't know how much more tax, than the small businesses around them. They got caught. They've been protesting ever since. I know Mr Chu in my riding was one of those caught in that loop.

The reality is that finally the government admitted—let me reiterate that—it was an error. They corrected it. Starting in 2001, I believe it is, they will start getting the cap the same as everybody else. They want it to be retroactive, and so it should be. It's outrageous that those people were paying thousands and thousands of dollars more than their neighbouring small businesses, and now the government has finally corrected that error but it's not retroactive. That is one of the amendments I really want to make and I would appreciate an opportunity to be able to do that. For the few hundred people—I don't know how many across the province—who got caught up in this error, it's been fixed, but they're not going to get their money back. They've paid it and it's been unfair, and I think in some words the government has admitted that.

I regret very much that we're standing here again today debating a time allocation motion. I think we all agree. We understand the government wants to get it through before Christmas and we would be willing to do that. We've written a letter asking for extensive hearings. Sometimes there are trade-offs, right? We need those extensive hearings, right? If that would be part of the deal—I don't like making deals with these guys, but having hearings is the most vital thing we need right

now, and the opportunity to make those amendments for our constituents, and I would say to the government members, for your constituents too. Some of your homeowners are going to be affected by this and you're going to hear about it. No matter what kind of claptrap we're hearing from day to day in here about, "It's not going to have an impact on homeowners," it is and you know it, and you're going to hear about it over Christmas, so get ready.

1710

The Deputy Speaker (Mr Michael A. Brown): The member for Ancaster-Dundas-Flamborough-Aldershot.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Mr Speaker, a special thanks for getting the name of the riding right. It's difficult, so I appreciate that.

I rise to speak to the motion to limit time and want to say that I'm very concerned that this government seems to be moving under virtually the cover of darkness, waiting until the municipal election is over and sliding this in. If there is any one area in terms of potential partnership between municipalities and the province that we have ample outward and visible evidence as being in need of ongoing discussion and consultation, it's the whole area of taxation, particularly with what is becoming increasingly apparent to those who have followed this scene, as a number of the members of this House and I have over the last little while, that there appears to be a major transformation going on in Ontario, and that's a social transformation, a move to have property taxes play a dramatically enhanced role in terms of covering the costs of services, many of which the Who Does What commission—some referred to it as the Who Does What to Whom commission—said clearly shouldn't be happening.

It's been said that good judgment is based on experience, and experience invariably on bad judgment. If I could be allowed to use that as a segue, I would want to suggest to members of this House that it's OK to make mistakes. One never wants to make a mistake deliberately, but it's OK occasionally to make mistakes as long as they're new ones. My concern is that this government doesn't seem to have a commitment to making new mistakes; it seems to have a commitment to making old mistakes. As my late mother used to tell me, "Anybody can make a mistake, but anybody who makes the same mistake twice is a fool." I think there is some real foolishness here as we look at what is happening.

I would urge and plead with the government to do it right. As one who has had the privilege of being involved in a municipal leadership role, I can attest from experience that the consequences of doing it wrong, the confusion that is set in, the expense that ends up having to be picked up by the taxpayer—we keep hearing a lot of talk about there only being one taxpayer. Well, confusion around legislation like this ends up costing money.

I can recall a time when we pleaded with this government not to inflict municipal downloading and current value assessment at the same time. We spoke about

issues like the business education tax and the fact that in Hamilton-Wentworth—a community which I had the privilege of representing, and a community within that community—the business education tax, which the Minister of Finance said several years back would be moving to a provincial average, in fact left communities in the Hamilton-Wentworth area some 44% less competitive. I need to say to the honourable members opposite that that had a profound effect in terms of driving the desire of people in my municipality in particular, Flamborough, to affiliate with that great municipality just to the east that is represented by my good friend Cam Jackson, who I note is here in the House today.

The honourable member on this side of the House who spoke just a moment ago made reference to the acts and the different names of the acts that were there. He talked about the fancy names. I suppose we could call it the Fair Act, the Fairer Act and the Fairest Act and, I don't know, maybe somebody will want to call this the New, Improved and by Far Fairest Act to Date Act. But my hunch is, particularly given that we know from AMO and the Association of Municipal Clerks and Treasurers of Ontario that there has been nowhere near enough consultation on this act, that we'll be back.

I can say for the record that there are some good things in this act. I like in particular the attempt that's being made to restore confidence in the business community and to treat with fairness that sector, particularly the small business sector. The issue of targeting tax ratios is also a welcome step and one that is potentially helpful if it's done right. But I would note, and I think it's fair to note this, that municipalities tend to be pretty suspicious of moves in this area, particularly those that seem to be rushed, as this clearly does.

That fear is exacerbated by the historical reality that with the coupling of downloading and current value assessment in the last round, in my municipality there were all kinds of dumps. There was an \$80-million cut in the non-conditional grants. On an \$800-million budget, that was significant. In addition to that, there was a \$36.4-million shortfall in the so-called revenue-neutral provisions around the downloading, and that's assuming things are good. Then there's the \$35-million shortfall which I elaborated on a few moments ago related to the business education tax.

As of just a few days ago, we learned that the government-appointed supervisor for the Hamilton Health Sciences Corp seems intent—and I hope it's not government policy—on downloading another \$125 million in costs on a community whose property taxpayers, particularly in the business sector—and I gave the government some credit for attempting to respond there—are already very much beleaguered.

If we took some more time and heard from some of the people that we need to hear from, this government could easily avoid chapters 9, 10 and 11 of the Fair, Fairest, and By Far the Fairest Act to Date Act. I would respectfully suggest that there is never a wrong time to

do the right thing and that it would make some sense to slow down just a bit and do it right, hear from AMO, hear from the municipal clerks and treasurers, acknowledge that the situation where we used to have 18 property classes—we talk a lot about red tape and other things. It's now become in the neighbourhood, I'm told, of 157 tax classes with this new, simpler, improved Fairest of All Fair Acts Act.

Then there's the area of assessment drift and area rating, in which I think municipalities would have some significant input to make. I would suggest this government respect that and hear that input so that they could gain from it and value it and come up with a better bill, one that would help us all build the stronger, healthier Ontario communities that we want.

Mr Michael Bryant (St Paul's): I am pleased to speak to this bill now. It's obviously in the context where we've got yet another closure motion before this House. It's ironic in some ways that it would be on this particular bill, a taxation bill. We all know and all remember as students the story of no taxation without representation. This is a fundamental democratic right, the idea that there is some accountability and democracy involved in taxation.

It turns out that when it comes to this bill, we really have taxation without representation. I'll tell you why. Let's start with the fact that we're not really having a debate on this at all. We're not sending Bill 140 out for hearings. We're not sending it out to committee. The government is not considering amendments and really, yet again, the government isn't even letting further debate continue on the bill, on an issue that affects, as I said before, all Ontarians, every single homeowner and, indirectly, everyone who gets the services that are funded by property taxes. We'll talk about that in a moment, but that's everybody. So that's number one. There's no debate on the eighth property tax bill in three years. For those who can't believe it—"Do they really have to amend this eight times, eight cracks at it in five years?"—it's true, and we've heard all the seven bills preceding this during the debate to date.

1720

Next? Well, megacity. The bill that brought in megacity—and I'm talking obviously right now about the greater Toronto area—was brought in against the will of the people of that city. They didn't want a megacity; they even had a plebiscite on megacity. There were thousands of people marching in the streets, as we heard before.

Mr McMeekin: We had two.

Mr Bryant: The member says they had two plebiscites on it. Where?

Mr McMeekin: In Flamborough.

Mr Bryant: Next, after megacity was forced upon the city of Toronto against the will of the people of Toronto, we got downloading: downloading of social housing, public transportation, ambulance services, social services. What did that do? That's like taking a vehicle that has been driven by the province, siphoning out its gas, and handing the keys to the municipality and saying,

"Now drive this across the city. It's all yours. But of course we're not going to give you the fuel for the tank; we've taken that from you."

Again the downloading of these services in this case was not wanted by the people of Toronto. Even David Crombie said, with respect to the property tax allocation, that in fact income redistribution programs should not be financed from the property tax base. Crombie said that in the Who Does What exercise. This bill does nothing to address that concern.

Then you have a government, specifically on property taxes, where in 1995 a number of its candidates in the greater Toronto area told the people of Toronto, "We will not impose market value assessment. There's no way we'll put in MVA." They had very good reasons to say that, but then guess what happened? We got it. Now we have in the riding of St Paul's and across the greater Toronto area pockets of people who are paying for the megacity, who are paying for the downloading, and who are paying for the failed exercise of eight bills to try and fix our property tax assessment system.

How are they paying for it? Obviously, we were told the megacity was going to be revenue-neutral, and I think everybody understands that's just not the case. As a result of the transition and as a result of spreading the services across the GTA, we have ended up with a system which has not been revenue-neutral. On the contrary, it has cost the taxpayers of the greater Toronto area.

Next, they have to pay for the downloaded services. This has led to what has been referred to already as a regressive tax system. Why? Because it really doesn't necessarily have to do with people who can pay. It's like the sales tax—the property tax, that is. You might say, well, if people are wealthy enough to own homes, they should be able to afford to pay property taxes.

Number one, tenants don't fall into that category. They're not wealthy enough to own homes. In fact, for whatever reason they've either decided to rent or, in just about every case of tenants in the riding of St Paul's, they're doing it because they are saving their money; they can't afford to purchase at this time. They're paying an enormously regressive property tax, and in a far greater proportion even than homeowners, it turns out. They don't get to see it; they don't get a bill that says, "This is what your property tax assessment is." It's just put into their rent. Whenever there is a decrease in a particular area, I have to go out and try and help tenants recoup that cut, although obviously that is not going to happen under this new system.

We've got this bill. The people, I know, of the riding of St Paul's and all over the province don't want to have a system of unrealized capital gains tax. That was really the reason why a number of the Tory candidates in 1995 said they would never run on the MVA, but then they put it in anyway. At every turn there is no representation with respect to this taxation.

This is the ultimate part of being a member of society. There are certain entitlements. You pay for those entitle-

ments. Maybe you pay for entitlements you don't even use in any one year. You're a member of a society and that's how it works, but there's got to be some rationale to it. There has to be some fairness to it. The economists and the tax experts talk about regressive and progressive taxes. It's about how we are going to assess people.

This system doesn't make sense, so what happens? I get a lot of phone calls at my constituency office from all over the riding of St Paul's, from McCord Road, from Shallmar Boulevard, from Russell Hill Road, from Oriole Road, and that's just to name a few, from all over the riding, particularly in this eastern part of the riding in Leaside, and particularly in Forest Hill.

Some may say that's not regressive because those people have an ability to pay. If the person is a senior or the person is on a fixed income, then that's just not the case, and that's not fair. They're living in that neighbourhood, they're getting a certain income and they end up having to pay for the fact that the neighbourhood gets hot. How is that fair?

"Well, don't worry," says the Premier, who actually went to St Paul's. I wish he'd listen to this debate instead of just dropping by a coffee shop, but he wanted to check out what was going on, it was reported. He went to Leaside and he talked to people at a coffee shop and said, "Don't forget that you can put a lien on your house and basically have a mortgage on your house and have it paid for through the deferred payment if you qualify." Here's what one lady, Ms Swallow, said in the coffee shop, it was reported. "I never heard anything so disgusting in my life," she said to the Premier. "If you want to stay in your house, you have to spend your children's inheritance." Those people don't want to put that lien, don't want to mortgage their futures, as it were, and I don't blame them. Besides, it doesn't deal with the vast majority of people.

Then we heard this suggestion from the government that the province will offer some property tax break through the hardship provisions. This is the government handing over the truck with the empty tank and saying, "Drive it across town." They're not assisting. They're telling the municipality to assist, the same municipality that has been subjected to the megacity and to the downloading and to the market value assessment. It doesn't make sense and it's not fair to those people.

I told you about the Tory candidates who said they wouldn't bring in MVA. They did anyway. It's this one-size-fits-all solution that is just not working. It's not working in my riding. It's not working in the riding I represent. I think I've got a new slogan for the government. One of their election slogans was—I think I'm right—"Tax cuts create jobs." Actually it turns out tax cuts just create new taxes. This is a shell game, a result of the downloading and the megacity and all the property tax changes, a result of the cuts, a result of the borrowing of money to pay for the tax cuts, a result of wasting money printing up \$200 cheques.

There has been a revenue loss. There has been a loss of services. So where are they getting it from? There's

the shell game. It's the property taxes, and the government is fervent in its desire not to be held accountable and responsible for that shuffling. They say, "No, it's the municipalities, it's the corporation. Don't blame us for your property tax raises."

1730

The government's fiscal mismanagement with respect to the property tax system, with respect to the whole tax base and with respect to provincial-municipal relations has resulted in the new slogan for the Harris government in the year 2000: "Tax cuts create new taxes; it's a shell game." No one is fooled in the riding of St Paul's. No one was fooled in the coffee shop the Premier went to, when he tried to explain to these people who said that what he was doing was disgusting, that this is anything but a shell game.

I urge everybody in the riding of St Paul's to call my office, to go on to the Web site and download the request for reconsideration and the appeal forms. We will work with councillors to try to get the best solution we possibly can. But make no mistake about it, folks: if you find yourself in the middle of a property tax mess, it's Mike Harris who is to blame.

Mr Steve Gilchrist (Scarborough East): I am indeed pleased to add some final comments, but first I would be remiss in not indicating to my colleagues that we are joined today in the gallery by my father, the former MP for Scarborough East, Gord Gilchrist, and my sister, Patti. I'm glad they are here because, as taxpaying Ontarians, they too are very affected by the bill we are dealing with and that is the subject of the time allocation motion here today.

I think my colleagues and I would have a lot more sympathy for some of the words that are spoken by the opposition members when we debate time allocation motions if, during the three days that had been committed to debate the first time, one single solitary concrete suggestion had been made on how to improve the act. But again with this bill, such was not the case. Neither from the Liberals nor from the NDP did we hear one specific way in which the bill we have tabled could be made better.

We heard a lot of rhetoric. We heard a lot of anecdotes, most recently from the member for St Paul's, reading a lovely little article from a newspaper clipping. The fact of the matter, though, is that the purpose of debate is presumably to highlight flaws in the legislation that's before this House, to recognize those flaws and to offer suggestions, and then presumably the government—if they were constructive and productive suggestions—would incorporate them into the final version of the bill that comes back for third reading. Unfortunately, the opposition members proved again that they are not up to the job, and they did not do that.

In the few minutes remaining to me, it is important to make sure that anybody watching, and anyone reading Hansard subsequently, understands what really is the subject of the debate here today, and that is the continued overhaul of a property tax system which has been the

bane of businesses and individuals across this province for decades. It is no secret that downtown Toronto, for example, had not updated their assessments since 1940. Small wonder the member opposite could find an example of someone whose property taxes would go up, now that a fair taxation system is incorporated and applied to every property in this province. But the real story is that for the last 60 years, that property, if it was in downtown Toronto, has been getting a free ride, certainly relative to all the other parts of the city of Toronto. I am sure many of my colleagues could give similar examples of how, in their home communities, a single-family homeowner was paying a lot more than the multi-million dollar mansions in Rosedale or Forest Hill, or even the more modest properties in the city of Toronto.

The fact of the matter is that as long as you have a property tax system that is based on the value of the property itself—and no one opposite has offered an alternative to that—then obviously, if you're going to play by those rules, the same rules have to apply to every single solitary person in this province. But that equity was never there, and no government before us had the courage to deal with that inequity.

I am proud that we have made massive strides in improving the property tax system, and this bill simply goes one step further. It gives the long-term guarantee to businesses in particular that they never have to fear assessment-based rate increases, particularly if their municipality is already at or above the provincial average for the commercial, the industrial or any of the other classifications.

Similarly, if you are a tenant in the province of Ontario, you probably didn't know, at least before the first time we debated property tax bills, the dirty little secret of how municipal governments get their money. If you build a building and you call it a condo, for the sake of a mathematical argument, let's say you pay \$1 per square foot in taxes. But that same building, if you call it an apartment, pays over \$5.20 per square foot, five times the tax load from the people in the province who are presumably the least able to afford it. Why? Because tenants don't vote at the same rate as single-family homeowners. What callous disregard for what should be one of the most fundamental principles of any taxation system, and that's equity.

We have brought a spotlight on this. Quite frankly, we are going to keep turning up the intensity of that spotlight until every municipality in this province recognizes that there has to be equity in the way they treat their taxpayers. The fact of the matter is, if a municipality like Toronto is already outside the provincial average for tax rates applicable, in this case to apartments, they will not be allowed to increase that gouging by one cent. Others may talk a good line about how they care about affordable housing, but they won't tell you that moving back to equity would, in the city of Toronto, drop the average rent over \$225 a month, almost a \$3,000 reduction in the cost of rent for the average of all the apartments in the city of Toronto.

Do you want to deal with affordability? Let's have a city government that recognizes that if you don't pick their pockets in the first place, you don't need any number of support programs after the fact to help them back out of the financial mess they find themselves in. That's the hallmark of what we are trying to do in this bill, what we've tried to do in the previous property tax bills, to guarantee that no tenant in the future is ever vexed, is ever abused the way that tenants have been abused by fortunately not all but too many municipalities in the past.

Similarly, if you own a business and your tax rate in your municipality is at or above the provincial average, you cannot have any further property tax increases related to the municipality's own needs. Any assessment-related increases will be capped at 5% and, if the city of Toronto takes up the opportunity, at 2.5% here in the city of Toronto.

Let me just make a brief point about that. In the 10 years before we were elected, from 1985 to 1995, businesses in the city of Toronto saw their property taxes go up 80%. That's right. Inflation was only 40%, but property taxes went up 80%—an average of 8% a year. Despite all of the mewling and puking from the other side, as Bill Shakespeare would say, when we first brought in our property tax bills, the reality is that the 2.5% cap per year in the city of Toronto means that after three years all of the businesses have seen less of an increase than they saw every single solitary year in the decade that the Conservatives were not in government. It's a three-for-one deal.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It was a lost decade.

Mr Gilchrist: It was a lost decade, and quite frankly it was millions of dollars lost to those overtaxed businesses in this city. And this city was not alone. But that has now been fixed. We certainly believe that the city of Toronto will take up the option of a 2.5% cap for one very simple reason, and this point has to be made very strongly: assessment changes themselves are revenue-neutral. For every property that goes up, there is a corresponding property that goes down. In and of itself the assessment of your property does not increase your taxes and an assessment change within the municipality, or to your property specifically, does not change your taxes.

Recognizing that fact, it will be revenue-neutral for the city of Toronto whether they put a 2.5% cap or they opt to leave it at the 5%. Surely if they care about their small businesses, as they say they do, the mayor and his 44 councillors will avail themselves of the option we've built into this bill and make sure that no business in the city of Toronto increases by more than 2.5%. It bears repeating that if there is a business that goes up 2.5%, there's going to be a business somewhere that goes down 2.5%.

1740

I know that out in Scarborough, in my riding and even the ridings of the opposition members who represent Scarborough north of the 401, over 88% of the homes

have seen a dramatic reduction in property taxes thanks to the innovations we've incorporated in previous bills and are carrying on with this bill. In my own riding some outrageous tax bills were being assessed on, quite frankly, relatively modest properties. I can think of four properties on Guildwood Parkway that were paying \$10,000 a year. Their taxes have been reduced by \$6,000. True, the city is phasing it in, but they see the light at the end of the tunnel only two years from now, the final years of the five-year phase-in that the city chose to take. Just think of the significance of a \$6,000-a-year property tax decrease to those homeowners. Those are after-tax dollars. That's like getting a \$12,000 pay increase year after year.

The fact of the matter is, the municipalities now control OPAC, the Ontario Property Assessment Corp, the entity that pursues a very rigorous, very detailed and very thorough appraisal of properties from one end of this province to another. They have made incredible strides in updating their database. They are getting very close to a system that each year will build on the sales data from properties that sold in the previous year, so that we'll have a real-time update of the value of your property and the relative value of your property compared to all other properties within your community. What a remarkable change from the system we inherited just five short years ago.

The municipalities have any number of tools that we've given them in this bill on how they can manage that change. I've talked about the caps. I want to emphasize another point. If there are any assessment-related increases for seniors or people who are disabled, earning less than \$35,000, municipalities are required to have a bylaw that will allow relief. It can be deferral, but we've expanded on those tools and are encouraging municipalities to look at outright refunds for any increase to people in those two categories.

There is no doubt that the city of Toronto and all the other municipalities around the province have seen a dramatic increase in their revenues, not by taking more money off each taxpayer, but because there are so many more homes—so many new homes have been built, so many new factories, so many new plazas. Their total intake, their total revenue has gone up by millions and indeed tens of millions of dollars across the province. They don't like to share that information, because it makes it a little tougher at budget time to apply the kind of discipline, to apply the kind of rigor to the budget process that we do here at Queen's Park and that I'd like to think all governments would take as an obligation to their taxpayers.

But the fact remains that the city of Toronto and all other municipalities already have millions of dollars more coming in every year. They don't need the money off the backs of seniors or anyone who is disabled. Here too the tools are provided. If the mayor and his councillors are prepared to put actions behind the word they uttered during the recent campaign, then I'm very confident that seniors and those who are disabled will

have protection the likes of which they have never had in this province before.

One final point has to be mentioned. When we were elected, the school boards had set business education taxes at extraordinary levels in some communities. We could not fix the problem overnight because, quite frankly, it would have taken far more money than we had at our disposal. But what we did was say that any municipality whose business education tax was above the provincial average would have that sum reduced. We have committed a total of \$325 million by next year. The province has taken that off the business education taxes in those municipalities that were above the provincial average. The lion's share has gone to businesses here in Toronto.

So the good news is that even if assessments have gone up, the peaks have been chopped off any possible increases. The peaks are coming down while the caps are keeping you from going up. The protection is really in both directions. The protections are absolute. We have given municipalities the ability to create graduated tax rates, to create optional property classes to further refine the mix and to make sure every business within the municipality is paying a fair tax.

This bill is very progressive. It builds on our past acts with a commitment to making sure everyone is paying taxes fairly and equitably. It is a better bill. It's a shame the opposition didn't offer any suggestions. I take from that they're happy with the content of the bill and eager for third reading.

The Deputy Speaker: This concludes the time allocated for debate. Mr Klees has moved government notice of motion number 76.

Is it the pleasure of the House that the motion carry?
All in favour will say "aye."
All opposes with say "nay."
In my opinion, the ayes have it.
Call in the members. This will be a 10-minute bell.
The division bells rang from 1746 to 1756.

The Deputy Speaker: Would those in favour please stand one at a time.

Ayes		
Amott, Ted	Harris, Michael D.	Ouellette, Jerry J.
Baird, John R.	Hastings, John	Runciman, Robert W.
Barrett, Toby	Jackson, Cameron	Sampson, Rob
Beaubien, Marcel	Johns, Helen	Snobelen, John
Chudleigh, Ted	Johnson, Bert	Spina, Joseph
Clark, Brad	Kells, Morley	Sterling, Norman W.
Clement, Tony	Klees, Frank	Stewart, R. Gary
Coburn, Brian	Marland, Margaret	Stockwell, Chris
Cunningham, Dianne	Martiniuk, Gerry	Tascona, Joseph N.
DeFaria, Carl	Maves, Bart	Tilson, David
Dunlop, Garfield	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	Molinari, Tina R.	Wettlaufer, Wayne
Flaherty, Jim	Munro, Julia	Wilson, Jim
Galt, Doug	Murdoch, Bill	Witmer, Elizabeth
Gilchrist, Steve	Mushinski, Marilyn	Wood, Bob
Gill, Raminder	O'Toole, John	Young, David

The Deputy Speaker: All those opposed will please rise one at a time until recognized by the Clerk.

Nays		
Agostino, Dominic	Conway, Sean G.	Lankin, Frances
Bountrogianni, Marie	Crozier, Bruce	Levac, David
Boyer, Claudette	Di Cocco, Caroline	Marchese, Rosario
Bradley, James J.	Duncan, Dwight	McLeod, Lyn
Bryant, Michael	Gerretsen, John	McMeekin, Ted
Caplan, David	Gravelle, Michael	Phillips, Gerry
Christopherson, David	Kennedy, Gerard	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ramsay, David
Cleary, John C.	Lalonde, Jean-Marc	Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 48; the nays are 27.

The Deputy Speaker: I declare this motion carried.

ADJOURNMENT DEBATE

The Deputy Speaker (Mr Michael A. Brown): Pursuant to standing order 37, the question that this House do now adjourn is deemed to have been made. The member for Hamilton East has given notice of his dissatisfaction with the answer to his question given by the Minister of Labour concerning workplace health and safety. The member for Hamilton East has up to five minutes to make his presentation.

OCCUPATIONAL HEALTH AND SAFETY

Mr Dominic Agostino (Hamilton East): I'm pleased to use a few minutes to go a little further on the question I asked today in regard to injury and death rates in sites, particularly in the construction field, as you compare unionized and non-unionized. When you look at the statistics—I was surprised when I saw the minister stand up in the House today and claim that was inaccurate, that there are no such statistics available in Ontario that show the injury rates in construction fields and in the building trades area compared to non-unionized sites. Clearly, that information is available.

I'm surprised because part of that was compiled from statistics of the WSIB, by both the Construction Safety Association of Ontario and the Ontario Construction Secretariat. One of them is actually funded in part by the Workplace Safety and Insurance Board. I'm surprised the minister would not have had that information today. This is an opportunity for us to bring that forward and, I'm sure, for the minister to acknowledge he made an error in stating there was no difference or that information was not available at all.

When you look at the statistics in the electrical construction industry, the lost-time injuries per thousand workers is the way the statistics were compiled. I'll use 1998, which is the last year available. In unionized sites there was approximately 5% of work time lost in regard to injuries in the electrical field, compared to 15% in non-unionized, and that's for the province of Ontario. When you look at the mechanical contracting industry, the numbers were even more dramatic in 1998, roughly 5%, which was steady for unionized sites, compared to almost 20% for non-unionized sites in Ontario. The

numbers were compiled from information from the WSIB, the agency of the government of course that runs the compensation system for injured workers in Ontario.

The closest sense we have is the province of Alberta which a number of years ago went through many of these changes they're proposing today in the construction industry. When you compare the rates of injury in the construction field in Alberta to Ontario previous to the changes made by this government, again we're talking a substantial difference of approximately 2% in Ontario compared to five times that in Alberta.

When you look at those numbers overall, as I said today, across the industry you are two and a half times more likely to be injured on a construction site or working in the building trades if you work in a non-unionized site, not because people who operate non-unionized companies are bad people—the minister tried to put that off today—or because workers who basically work for non-unionized companies are bad people. The reality is, if you have the pressure and the rules and the regulations that workers are protected by on unionized sites, you're more likely to be able to refuse a job, more likely to be able to refuse a dangerous situation. People sit here and look shocked. To me, injuries in the workplace—

Interjection.

Mr Agostino: The member is heckling. Somehow he finds it interesting to heckle when we're talking about injury and death on a work site. I wish this government—

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Where are you from?

Mr Agostino: I come from a riding where men and women, sir, every day get hurt and lose their lives working on sites. I don't need to take any lessons from you about injured workers where I come from.

Interjections.

Mr Agostino: This government doesn't take it seriously. I take the fact that men and women get up, go to work in the morning and want to come home at the end of the day in one piece—I think it's a serious obligation we all have in here to provide for people in Ontario. This government is not willing to do that. You play in different leagues from the rest of us. We owe that to people. I don't think it's humorous. I don't think it's time to heckle on it.

I can tell you, we have a responsibility in this House to do everything we can in legislation to protect the health and safety of workers in Ontario every single day of the week. All of us, on all sides of the House, have that responsibility.

The statistics are clear; the numbers are clear; the information is there. There is no doubt whatsoever in Ontario that if you work on a construction site that is non-unionized, you're 2.5% or 250 times, any way you want to put it, more likely to be injured or killed than if you are on a unionized site.

Let me tell you one more sobering statistic for the members who think it's humorous. There were 20 deaths last year. Twenty men died in construction sites in

Ontario last year. Eighteen of those men died in non-unionized construction sites. That's a pretty sobering number for all of us to remember tonight as we think this is a humorous debate.

Hon Chris Stockwell (Minister of Labour): What's humorous about this debate is your statistics. Frankly, it's embarrassing. I'd love to have a debate with you, but you have to get actual statistics, my friend from Hamilton East. Everything your question had in it as far as statistics are concerned—I went back to the Ministry of Labour and I said to them, "Can you look this up? I want to make sure we have"—nothing you said was right. Nothing. You told me in this House it's 2.5 times higher. Let me read into the record Mr Agostino's quote: "Unfortunately, the minister doesn't know his stats because, when you take the sheer numbers aside and you look at the percentage of accidents, there is a 2.5 times greater chance of death or injury on a non-unionized construction site."

I saw the little paper you're floating around. You said that those numbers were mine. Here it is. Those numbers came from the construction association, the unions; they produced the numbers. I say to the member for Hamilton East, do you know what I did? I phoned them. I phoned them between when you asked the question and tonight and I said, "Mr Agostino claims, setting the raw number aside, that you've weighted this to the union construction sites and non-union construction sites, because there are a lot more non-union construction sites." You fixed your roof? You got shingles replaced? A non-union construction site. You built a porch on your house? A non-union construction site. You put an addition on your house? A non-union construction site.

So I phoned the folks who gave you these numbers and I said, "Folks, Mr Agostino is saying this is a weighted statistic, that you actually took into consideration union and non-union construction sites." "Oh, Mr Stockwell, no, that's not true. We didn't."

The member for Hamilton East, the first point you made has no relationship to the facts.

Mr Agostino: You're wrong.

Hon Mr Stockwell: Oh, well, I'm wrong. Now the building trades council is wrong; the builders are wrong; the union is wrong; I'm wrong. The only one right is Dominic Agostino. All alone, you're an island, my friend.

So I checked that. Then I went to the next line. This is just scary; it's humorous. Here he said, "Your minister has slashed the health and safety operations division by \$8.2 million." No, not a nickel was cut from health and safety. But he said \$8.2 million. Wrong again.

Mr Agostino: You're wrong.

Here we are, wrong again. The Ministry of Labour is wrong; Mr Stockwell's wrong; the union's wrong; Dominic's right. Gosh, no, Dominic's right. The whole world's wrong, but Dominic's right.

Then he said "a staff reduction by 20%." I said, "Mr Agostino said to me that we've reduced the number of inspectors by 20%." They said "No, no." In 1995, when

we took office, 278 inspectors; in 2001, 278 inspectors. Not an inspector was removed. Wrong again.

So then we looked further. He went on and told me about the fact that unionized workplaces were safer, period, case closed. I said yesterday in this House that, yes, they—

Mr Agostino: Talk about the 18 out of 20 who died.

Hon Mr Stockwell: Let's talk about that, then, Mr Agostino. You quoted from a study and tried to claim you had a weighted study here. The people who produced the study, the union, said it's not weighted. So yes, there were more deaths on non-unionized construction sites than unionized construction sites. But accept the fact that this isn't a stretch; this is pretty simple. There are a lot more non-union construction sites than union construction sites, and if you created a percentage of number of workers on non-union sites and union sites, they would be very comparable. That's what the Ontario labour council is saying; that's what the Ministry of Labour is

saying; that's what I'm saying. But apparently everybody's wrong except the member for Hamilton East.

I'm prepared to have a debate with you on this. It's a good place to debate. It's a Legislature; we should debate. But when you keep coming up with goofy questions that have no basis in reality, make up some number and shout out in scattergun heckle rhetoric about unsafe and safe, it's hard to have a debate. All I ask is one thing, to the member for Hamilton East, just one thing.

Interjection.

Hon Mr Stockwell: Here I've got the member from Parkdale, the bastion of truth, with him.

Just get your facts straight.

The Deputy Speaker (Mr Michael A. Brown): There being no further matters to debate, I deem the motion to adjourn to be carried. This House stands adjourned until 6:45 of the clock.

The House adjourned at 1810.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

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Brampton-Ouest-Mississauga	Minister of Municipal Affairs and		âgées et à la Condition féminine
	Housing / ministre des Affaires	Kenora-Rainy River	Hampton, Howard (ND) Leader of th
	municipales et du Logement		New Democratic Party / chef du Nou
Brant	Levac, Dave (L)		Parti démocratique
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Davenport	Ruprecht, Tony (L)		longue durée
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	ministre des Transports		government House leader / ministre
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Wellington-Grey			parlementaire du gouvernement
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	du Nord et des Mines		Universities / ministre de la Formati
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Nickel Belt	Martel, Shelley (ND)	Scarborough-Rouge River	Curling, Alvin (L)
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CONTENTS

Tuesday 28 November 2000

MEMBERS' STATEMENTS

Agricorp	
Mr Peters	5853
Environmental protection	
Mr O'Toole	5853
Immigrant and refugee services	
Mr Ruprecht	5853
Kitchener-Waterloo economy	
Mr Wettlaufer	5854
Diane Hamre	
Mr Smitherman	5854
Doctor shortage	
Mr Bisson	5854
Newmarket civic service awards	
Mrs Munro	5855
School extracurricular activities	
Ms Di Cocco	5855
School teachers	
Mr Beaubien	5855

REPORTS BY COMMITTEES

Standing committee on public accounts	
Mr Gerretsen	5855
Debate adjourned	5856

FIRST READINGS

Environmental Protection Amendment Act, 2000,	
Bill 149, <i>Mr O'Toole</i>	
Agreed to	5856
Mr O'Toole	5856

THIRD READINGS

Labour Relations Amendment Act (Construction Industry), 2000,	
Bill 69, <i>Mr Stockwell</i>	
Agreed to	5856

ORAL QUESTIONS

Emergency services	
Mr McGuinty	5857
Mrs Witmer	5857, 5864, 5865
Mrs Bountrogianni	5864
Mr McMeekin	5864
Nursing staff	
Mr McGuinty	5858
Mrs Witmer	5858
Property taxation	
Mr Hampton	5859
Mr Harris	5859, 5865
Ms Churley	5859
Mr Brown	5865

Tenant protection

Mr Hampton	5860
Mr Harris	5860
Mr Marchese	5860

Mental health services

Mrs McLeod	5860
Mrs Witmer	5860

Labour legislation

Mrs Elliott	5861
Mr Stockwell	5861

Occupational health and safety

Mr Agostino	5862
Mr Stockwell	5862

HIV/AIDS awareness and prevention

Mr Galt	5863
Mrs Witmer	5863

Driver examinations

Mr Kormos	5863
Mr Turnbull	5864

Grape and wine industry

Mr Maves	5865
Mr Runciman	5865

Winter highway maintenance

Mr Dunlop	5866
Mr Turnbull	5866

PETITIONS

Northern health travel grant

Mr Gravelle	5866
Mr Bartolucci	5867

Protection of minors

Mr Gill	5867
Ms Mushinski	5867

Hunting and fishing legislation

Mr Dunlop	5867
-----------------	------

Services for the developmentally disabled

Ms Di Cocco	5867
-------------------	------

Health care funding

Mr Bradley	5868
------------------	------

Registration of vintage cars

Mr O'Toole	5868
------------------	------

Hunting in wilderness parks

Mr Gravelle	5868
-------------------	------

Employment standards

Mr Christopherson	5868
-------------------------	------

Highway safety

Mr O'Toole	5869
------------------	------

Special education

Mrs Dombrowsky	5869
----------------------	------

MOTIONS

Committee sittings

Mr Klees	5870
Agreed to	5870

GOVERNMENT MOTIONS

Time allocation, government notice of motion 76, <i>Mr Sterling</i>	
Mr Young	5870
Mr Phillips	5873
Mr Marchese	5875
Mr Tascona	5879
Mr Crozier	5881
Ms Churley	5882
Mr McMeekin	5884
Mr Bryant	5885
Mr Gilchrist	5887
Agreed to	5889

OTHER BUSINESS

Visitors

The Speaker	5856
Mr Sergio	5856

Notice of dissatisfaction

The Speaker	5869
-------------------	------

ADJOURNMENT DEBATE

Occupational health and safety

Mr Agostino	5889
Mr Stockwell	5890

TABLE DES MATIÈRES

Mardi 28 novembre 2000

PREMIÈRE LECTURE

Loi de 2000 modifiant la Loi sur la protection de l'environnement, projet de loi 149, <i>M. O'Toole</i>	
Adoptée	5850

TROISIÈME LECTURE

Loi de 2000 modifiant la Loi sur les relations de travail (industrie de la construction), projet de loi 69, <i>M. Stockwell</i>	
Adoptée	5850

A20N
XI
D23

Government
Publications



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**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 28 November 2000

Mardi 28 novembre 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 28 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 28 novembre 2000

The House met at 1845.

ORDERS OF THE DAY

CORRECTIONS ACCOUNTABILITY ACT, 2000 LOI DE 2000 SUR LA RESPONSABILISATION EN MATIÈRE DE SERVICES CORRECTIONNELS

Resuming the debate adjourned on November 27, 2000, on the motion for second reading of Bill 144, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole / Projet de loi 144, Loi visant à instituer la responsabilisation au sein des services correctionnels, à obliger les délinquants à démontrer qu'ils ne font pas usage de substances intoxicantes, à fixer les règles que doivent suivre les délinquants pour mériter leur libération, à permettre à la Commission des libérations conditionnelles d'intervenir dans les décisions en matière de libération méritée et à changer le nom de la Commission des libérations conditionnelles.

The Acting Speaker (Mr Tony Martin): None of the members from the Liberal side who spoke are here, so we don't do questions and comments. We're going to move to the member for Timmins-James Bay in the rotation.

Mr Gilles Bisson (Timmins-James Bay): Always ready and willing to go. I just want the minister to know.

First of all, I was looking forward to some of the questions and comments on previous speeches. It would also give me an opportunity to figure out what they wanted me to do with this piece of paper they just handed me. But anyway, that's for the next hour.

I want to, first of all, start this particular debate by pointing out the obvious. I understand what the minister is trying to get here. I think in a lot of ways he's trying to do—

Applause.

Mr Bisson: It's pretty bad when you applaud yourselves.

He's trying to do basically what a lot of the ministers of the government have been doing as of late, and that is to try to find some way to respond to an issue which is

perceived by the public to be sometimes greater than what it actually is. Some people would refer to that in politics as the politics of placebos.

What the government is doing here is turning around and saying that in the jails in the province of Ontario there's a huge drug problem and that we, the government of Ontario, are going to do something by way of a law that's going to make sure that we deal with making sure that anybody who's in those jails undergoes mandatory drug testing because obviously people in jail shouldn't be doing that kind of activity and that's something the public would like its government to operate on. I think the government does this not so much as an ideological step as far as being able to deal with what is the real issue but to try to deflect the attention of the public off what are other issues in our society that I think we should be dealing with. Not to say that this isn't a problem, and I'll come to that in a minute, but to deflect—

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I don't think there's a quorum in here.

The Acting Speaker: Is there a quorum?

Clerk at the Table (Mr Todd Decker): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

Hon Mr Stockwell: On a point of order, Mr Speaker: I'm seeking unanimous consent to move a motion about a standing committee. I think I have agreement.

1850

The Acting Speaker: Agreement? Agreed.

Hon Mr Stockwell: I move that notwithstanding the standing orders or any other order of the House relating to Bill 128, for the purpose of this evening's clause-by-clause consideration, at 7 pm all amendments shall be deemed to be moved except where specifically requested to be moved by any member of the committee.

The Acting Speaker: Is there unanimous consent? Is that agreed? Agreed.

The member for Timmins-James Bay.

Mr Bisson: It would have been even more amusing if the government didn't get its quorum, and it was the government who called it. That would have been really funny. Good try anyway.

As I was saying, as we start this particular debate, Bill 144 is a bill that has been brought in by the minister responsible for corrections to supposedly deal with what is a problem within our jail system with regard to

prisoners who are using drugs. If you ask most people out in society, I think most people would agree with the minister that the government should try to do something to make sure people in institutions are not doing drugs. On that fact, I would argue the government should try to do everything they can. Generally within society we try to find ways to curb the utilization of drugs, because we know that drugs themselves, when used by anybody in our society, be they in a prison or not in prison, are quite frankly something that can lead to a lot of societal problems, as well as problems for the individuals themselves.

The problem, however, is that the government is coming at this from a funny perspective. If I was minister of corrections and I wanted to try to deal with lessening the usage of drugs within prisons, I'm not sure I would come at it from the perspective the minister is, which is to say, "I will go out and randomly test all of my inmates, all of the people out on parole," as I understand the way the legislation is written, "all people out on conditional passes, randomly test them for drugs as a way of dealing with stopping the use of drugs." I think at the end of the day drug users will use drugs as long as they're able to get control and able to find drugs. I don't think we're going to be effective in trying to deter the amount of drugs that are utilized within the prison system by testing them at the end, when they've taken the drugs.

I would argue, rather, that the government should come at it from the opposite perspective, and that is, if we accept there's a problem within our jails, if we accept there's a problem with drug use within our jails, we should look at doing two things, in my view; one is trying to curb the amount of drugs going into the jails, and I would argue trying to eliminate them, because obviously the drugs are getting in there somehow. You have to imagine that people who want to utilize drugs have some sort of mechanism to smuggle them into the jails. I don't know the way that's done. Is it done because family members bring them in? Are there organized crime rings that bring them in? I don't know. I've never been in jail. Are they throwing them over the side of the prison walls, as somebody from across the way was saying? Who knows? The point is, if you want to stop the utilization in jail, one of the first things you want to do is try to stop access to drugs within the institution. Doing that is probably the most effective way of getting people to stop using them.

I find this a funny way that the government is intending doing this. They're saying we're going to randomly test people within the jail system and all those people out on conditional discharges. All those people who have done their sentences and are now out on parole are going to be randomly tested for drugs as a way to stop the utilization of drugs by the inmate population. First of all, I think there are going to be some challenges under the Constitution on this particular one, because I don't know how any government can get away with the idea of randomly testing people for drugs on the basis of them having been an inmate within a correctional institution.

What happens to the person who has been released? They've done their time, they're out on parole and all of a sudden, without cause, we're going to tell that person we're going to test them for drugs? I don't know.

It's much the same argument we had when the Minister of Community and Social Services came into the House and introduced legislation and said, "We're going to do that to people on welfare." I guess where I'm going with this is that it's really a sexy kind of politics the government is trying to play. They're trying to build a picture where people who are on welfare and people who are in institutions are a different class of people and we should have different kinds of rights for those people on the basis of them not being, somehow or other, full citizens. I think that's a really dangerous path for this province to be walking down, because it sets up, in incremental portions, a sense of different levels of citizenship within Ontario.

Don't misunderstand me, Minister of Correctional Services. This is not meant as a personal attack. But what I find is, once we start going down that road of saying different classes of people have different kinds of rights—there were all kinds of societies in the past that have done that. What happened at first was that people were comfortable taking away a few rights, then they went out and took away a few more rights, and before you knew it you had a state basically which told people what they could and couldn't do on the basis of what language they spoke, what religion they believed in and, yes, what race they came from. We saw that under the Nazi regime of the 1930s.

I'm not saying the government members across the way are a bunch of Nazis. That's not my point. But what I am saying is that once we go down the road of saying different classes of people have different levels of rights within our society, we are really walking down a road that is very dangerous. At first it's, "I'm a little bit uncomfortable as a citizen, but I understand. People on welfare shouldn't be taking drugs, shouldn't be using my hard-earned money. I'm the taxpayer. I'm the one who pays the bill. Oh, no, I don't want them using drugs, so feel justified in taking away people's rights and saying 'The state, the government, under the authority it has through this Legislature, can go in and stop somebody who is on welfare and test them for drugs randomly. OK, I'm willing to accept that.'"

Then a little bit later the government comes in and says, "Oh, we've got a better idea. It shouldn't be only for people on welfare. No, no, no, we think everybody who has committed a crime in Ontario who has gone into a provincial institution should be randomly tested for drugs."

"Oh, well, I'm the taxpayer. I'm the one who's paying the way and making sure those people in jail get three square meals a day, have a warm room to sleep in at night and the proper facilities. I'm paying, and I want to make sure," say the Tories and people who think like them. "I have the say, and they shouldn't have the right to do drugs. I feel a little bit more comfortable. Yeah, that's fine. It's an incremental thing, but I can accept it."

You also want to test people for drugs randomly once they've served their sentence. This is pretty dangerous stuff, I think. Now we're saying that people who have served their sentences within a jail in Ontario, who did the crime and paid their debt to society—now we're going to give the state the authority to go out and randomly test them for drug usage without just cause, anybody who's out on probation or on a conditional discharge. Again, the taxpayer says, "Well, yeah, I can accept that. Yeah, it only makes sense because, after all, we know that person did something wrong to our society, and taking away that person's right to a certain extent by a little bit, I can live with that. That's OK. OK, fine, Mr Government, Mr Harris, I can live with that."

Eventually we start trying to outdo each other in how we treat different classes of citizens within our province. I think most of you in this Legislature and those of you watching back home understand where I'm going. We start going down this road and before you know it, where do we stop? Whose rights do we violate?

I remember the story I was told—and I think everybody else has heard it—that had to do with the Second World War. Somebody wrote a poem or a saying which said, "At first they came for the Jews. I wasn't Jewish, so I said nothing. Then they came for the trade unionists. I was no trade unionist, so I said nothing. Then they came for whomever else, and I said nothing. Eventually when they came for me, there was nobody there to help me and I was gone."

That's a little bit like how this thing is going. I know members across the way are going to say, "Oh, Gilles, you're just being alarmist. This is not as bad a thing as you make it out to be. The public demands to have some sort of accountability when it comes to public dollars being spent on welfare and public dollars being spent on inmates. We want to make sure they're not taking drugs, and we're perfectly justified."

You know what? I bet you if we did a poll tomorrow, better than 50% of the public would agree with the position the government is taking, because most people don't stop and think for a second what it really means at the end of the day. I would argue most fair-minded people, and people who know more about this than myself and you, Mr Clerk, once they sit down and look at this thing, are really going to have a problem trying to accept the premise, because the premise is that we are going to go out and randomly test people for the utilization of drugs on the basis of their status in society. I think that's a really dangerous thing to be doing in Ontario.

1900
I say to the government on that particular point, if we want to deal with the issue of drug usage within our province, I'm all for that. I, like many people in this Legislature, grew up through the 1960s and 1970s. I have friends who died because of the use of drugs. I have a lot of friends who didn't quite make it. They are still "fried," as we used to say, from utilization of drugs. I understand how devastating drugs can be, but I don't think that by

randomly testing people for drugs we're going to stop the usage.

At the end of the day, you stop the usage by doing two things. One thing is to try to change the culture so people understand that taking drugs is a bad thing, and we try to find ways of doing that, and I'll speak to that in a minute. The other way is by trying to lessen the utilization of drugs by curtailing the supply.

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): What about legalization?

Mr Bisson: I personally don't have a problem with the legalization of marijuana. I don't see marijuana as a hard drug; I never have. Publicly I have supported, as every party in this House supports, the legalization of marijuana. That's not something that any party has really opposed in its party platform. Go take a look at your own platform, Mr—I was going to say Solicitor General, but you're not there any more.

I would say the issue is that if we go out and start trying to do this by saying we're going to deal with the drug problem by testing, I think that at the end of the day we'll get to find out who is taking drugs, but they're going to keep on taking them, because what are you going to do once you've found out that somebody is taking drugs? Are you going to cut their welfare? That sounds fine. That's really sexy. You'll get a headline over that. I can see the headlines in a month or two when they're doing the testing. They're going to say, "Six People in Downtown Timmins Cut from Welfare Because They Took Drugs." Some of the people in my community are going to get up and applaud and say, "Great." But what are you doing with the problem? Do you think that person is going to stop taking drugs? They're going to try to find the money. They're going to find some way to do drugs anyway.

So what are we doing? We are forcing them off the system. Where are they going to get the money? We understand that people who are users of drugs will do anything in order to get access. If they've got to break into a neighbour's home, if they've got to steal from their father or their mother, if they've got to commit crimes in order to get money, they're going to go out and do it. I don't think that testing people and identifying them and penalizing them by taking away welfare benefits, or taking away rights by way of sentencing, is going to be the way we curtail the problem.

I would argue that you come at it from the other perspective, and that's what I would like to speak to. I would say to the government that if we want to deal with the issue of the utilization of drugs within our jails, there are good, positive ways to do that. Pardon the pun, but we have a captive audience. Once somebody has done a crime and has ended up in a provincial institution, we know that if somebody is there for at least a period of nine months, there is enough time for proper programs to deal with people's problems; unfortunately, not something that is done in our jurisdiction under any government.

I'm not going to say that when we were the government nobody who was in a provincial institution in the

province of Ontario took drugs. The problem existed then, and it existed before that when the Tories were the government. It exists across the province and across the country. But I would argue that what we do is try to find ways of putting in place programs that deal with the problem. I think one of the ways we can do that is that once we know—either by the persons themselves coming forward within the prison institution into programs or by way of referral—that people have drug problems, if we are able to put the kind of dollars necessary into treatment programs, that's the best way to deal with the problem.

I'm just going to digress for a second. We know, for example, with alcoholics that you can do whatever you want to an alcoholic, and at the end of the day they will keep on drinking until such time that they decide they want to quit drinking. In my dealings—and this touches me personally, within my own family—when you have somebody who is an alcoholic, they will keep on drinking no matter what. If you call them an alcoholic, they are just going to keep on drinking. You can blood test them all you want, and the next morning they're going to go out and get another bottle. The person will stop drinking and will stay off the booze when they admit they've got a problem and go into treatment. That's the way it works, and it is no different when it comes to drugs.

I would say to the government that within the correctional institutions what we need to do, if we are serious about trying to deal with the drug issue within jails, is say, "Let's put in place programs within our jails that give inmates the ability to deal with their problems." When we've got them in a captive situation, as we do in a jail, we know by history and we know also by taking a look at other programs that have been in place that when somebody is in for at least a nine-month period in a jail and you're able to put them into some kind of program, you have a fairly good chance of being able to deal with the problem.

I say to the government across the way, I would have no problem trying to support the government in dealing with the drug problem in jails if we were to come at it from the other way and say, "Let's deal with the issue by trying to deal with putting in place the kinds of programs that we need." I would argue you don't only do that in jail; I would argue, quite frankly, once you've started the process within the jail, where you have somebody who either has an alcohol dependency problem or a chemical dependency problem, that we keep the progress going when those people are released and provide the proper types of programs out there so they're able to have somewhere to go to deal with their problem, because it's a heck of a demon for people to live with.

We all know in our families somebody who was an alcoholic. Unfortunately, many of us have people in our families who were drug users. The reality is that it is a heck of an addiction. We have to understand it for what it is. It's not something that people just go out and do for the fun of it. They eventually become dependent on the alcohol or on the chemicals, and then it becomes a way of life and they can't get off it.

Within our family structures, we, as family, should be doing everything we can to support those people, to keep them off the habit. Number two, we as a society, through our government, should be providing the kinds of programs necessary in our communities so that people are able to go into programs in order to dry out and get their lives together so they can get off the drug usage and get back on with their lives.

I don't think by going at it the other way and saying, "We're going to find out by way of drug testing who takes drugs, and then we'll penalize them some way," that we're going to really deal with the problem of drug usage. I don't believe, and I say today, November 28, it ain't going to work. It's not something that works, and you only have to look in your own families. I say to all members in this Legislature—and I see some of you nodding your heads—we all know people in our family who are alcoholics, and the only time they've dealt with their problem successfully is when there has been proper support and they made the decision themselves to get sober. That's when it works. The only way they can make that decision and the only way they can take the first step to sobriety is by us basically providing them with the opportunity to go there, giving them the types of programs they need and the comfort level so they can do it and the kind of support they need at home to get through that process, because it's a very difficult process for them to go through.

So I say to the government, there are a lot of good programs out there that we can build on. I've had the opportunity to visit a number of different programs that offer detoxification across the province. I've visited many institutions, many clinics and many different programs as a parliamentary assistant when we were in government again afterwards, and there are some successful programs we can build on.

I would say to the Minister of Corrections, whom I know quite well, that is something I would be more than prepared to give support to, to participate in some kind of process that allows us to build the kinds of programs we need within our institutions to allow people to deal with their drug habits.

I say again, just by way of trying to explain this in a bit of a graphic way, that if you had an inmate population of, let's say, 100 inmates in a particular facility and we drug test those people randomly for a period of a year and then we penalize at the end those who we find have taken drugs, I will argue that after a two-year period you're not going to have any different drug usage than you have now. Because at the end of the day, OK, the person tested positive. Then what? We penalize them; we lengthen their sentence. OK. They can still get the drug. In fact, maybe they don't want to leave.

I know at Monteith correctional centre there are a number of inmates I've talked to who go there for who it has become a way of life. I don't like to say that, but that, unfortunately, is what it becomes, because they go to a point where they have a hard time trying to cope with society. They're not able to find work. They have

stigma. They normally have a problem themselves; often it is alcohol- or drug-related. I know at Monteith for sure the inmates I've dealt with over my many years as the member for Cochrane South, when Iroquois Falls and Monteith were in my riding, and even now, with Timmins—because a lot of the people from the Timmins area and the James Bay coast are referred to the Monteith correctional centre. Many times the reason they end up there has to do with a chemical or an alcohol dependency. Once we get them out of jail and they've done their sentence, they end up repeating and going back into the system. The reason is that we do not have the proper types of programs to deal with the issue of chemical and alcohol dependency.

We can test them all we want, and I'm going to say this today: at the end of two years—I'll give you two years; I'll be very generous. If we start testing today, at the end of two years, usage will be no different. People will continue unless you give them some kind of hope and some kind of assistance and support, both within the facility and within the family, for being able to deal with that issue.

I want to give you one good example of that. I was talking to my good friend Gilbert Cheechoo from Moose Factory the other day. Gilbert is probably one of the wisest people I've met—and I insult other of my Cree friends within the Cree culture. He has made me understand more about the Cree and Mushkegowuk people than probably most other people. He has a way of being able to describe things to me that is very clear and very understanding as far as how native people deal with their problem within the context of a white society. One of the things Gilbert and I were talking about the other day was just this issue. We were sitting down having a discussion about the whole issue of what you do with people who have an alcohol dependency, and how you stop them from using alcohol when it comes to people who go into correctional institutions. Gilbert made the point: "Gilles, within our Cree culture, what ends up happening is that when somebody comes to the point where they've become alcohol-dependent or drug-dependent, to a certain extent they are ostracized by the community."

1910

What happens is they find it a very scary place to be, so to support their dependency they go out and break the law to get the money to support the dependency. They steal to be able to buy the booze or the drugs. Once they are under the influence of the booze or the drugs, they do something that is illegal and end up being charged. They're charged, put in jail and they're in for two years less a day. He said, "Once they're in there, many times they're still using"—sometimes, not always.

At one point he worked in a particular program at Monteith correctional centre where they dealt with the spirituality of the Cree people, which is for another debate. The point he was making was that once they come out of jail, they haven't dealt with their problem. They went in because of an alcohol-related problem. They broke a law and got sentenced, under whatever law,

because of what they did wrong. They did that while under the influence. They end up inside the jail, we don't deal with the problem for the year or two they are there, because we don't deal with actual treatment, and when the person comes out after sentence, they still have the same problem.

Now they've been withheld from alcohol or drugs for a long time and they have the urge. They want to go back. For the first couple of days they say, "I'd like to reintegrate into my community." They're ostracized, they're back into the drugs and the alcohol and the whole thing starts over. His argument was that if you look at the population within Monteith correctional, the reality is that most of the people who are inmates there from the James Bay coast are the same people, coming in and out all the time, because we don't deal with the issue of dependency.

I say in all seriousness to the minister across the way that I have great respect for Rob Sampson as an individual. I think we get along quite well. I understand what you are trying to do. Some people may get up and say nasty things about you; I can't understand why. I'm sure you're not doing this on the basis that you don't believe it's going to work in the end, but I really have a bit of a hard time believing that a person with your understanding would actually be going down this road, because at the end of the day, if you don't deal with the dependency problem within the facility, once the person comes out, he is still going to be the same as when he went in. It's not by testing them that we're going to deal with the problem.

I would argue to the minister across the way, let's work together as political parties, let's work as communities, let's talk to the Mushkegowuk people, let's talk to the people who go into institutions across this province, let's talk to the drug rehabilitation people in this province, and let's talk about how we put together programs that deal with the issue of usage once the inmate is in the jail.

I will argue that we're going to get back tenfold the money we spend in that program if we're able to get them off the drugs and the booze by the time they get out. The reality is that we know, and the minister knows by looking at the figures, the same people are going in and out of our institutions. I see the minister across the way shaking his head. He knows his numbers.

Hon Rob Sampson (Minister of Correctional Services): They don't say that, though.

Mr Bisson: I know, but they're different.

I would say it's the same people who go into and come out of those institutions on a revolving-door basis. If we went out and spent money up front trying to identify under sentencing why this person got sentenced, and if the judge—in the case of the Mushkegowuk people or any other First Nations people, what we need to do is make sure the First Nations people are part of the legal or court process. I would argue that they should be aboriginal courts, that we should give them the right to run their own legal system, so that at the end of the day they are in

a position to deal with their issues of law within the context of their culture.

If we can identify why the person created the crime, more times than not the police officer who charged them, or the family member or the person who has been vandalized or whoever, will say, "He was trying to get a bottle," or, "He was trying to get some drugs," or, "She was trying to support her habit." Once we know that, we can go to the inmate by way of sentencing and say, "Part of the sentence condition is that not only do you serve time while you are in the institution, two years less a day, but you have to go into treatment as well," and we do that as part of sentencing. Yes, there is going to be some problem at first with that individual trying to reject being forced into a program, and that is a pretty touchy subject, as you know, Minister across the way—

Mr Michael Gravelle (Thunder Bay-Superior North): On a point of order, Mr Speaker: I don't believe we have a quorum.

The Acting Speaker: Is there a quorum?

Clerk at the Table: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: The member for Timmins-James Bay.

Mr Bisson: As I was saying before the quorum call, the government is saying that what they want to do is go out and test inmates for drugs as a way of being able to deal with trying to curb the use of drugs within the institutions. I argue, as a New Democrat, that this is trying to close the barn door once the horses have run out. It's not going to do anything to stop the problem. The way you stop the problem is at the very beginning.

What I was arguing was that once a person has been charged and brought before the court, there has to be a bit of investigation done by the court to find out why the person did what they did. If we find that they broke the law as a result of being under the influence of a substance, either chemical or alcohol, or we find that they went out and stole or did whatever to raise illegal funds to pay to support their substance abuse habits, we need to know that when we do the sentencing. Then part of the sentencing should deal with the issue of trying to provide treatment within the institution.

I will suggest to the minister that we can do two things: we can try your way in one institution for two years and try my way in an institution for two years, and I will argue—I know I will be proven right—that those who get treatment within the institution will fare better than those who are tested at the end. Is it politically more sexy to do treatment while in the institution? The answer is no. The public would probably much rather see you do testing because we know the public tends to be reactionary when it comes to these issues.

I believe the reason we elect politicians to come to this House is to get beyond the rhetoric at times and try to look at practical solutions to what are very difficult

problems. I will argue that, yes, it might be more politically sexy to stand up and say, "We will make drug testing of inmates mandatory," and the government will get its political hit. But at the end of the day it's going to do nothing to solve the problem. I would argue that if it does anything, it would be very little. We're going to get somewhere by doing one of two things, and the first thing I talked about was the issue of going out and dealing with the issue of treatment.

The other thing you're able to do, if you want to deal with the usage of drugs while inside the institution, is you should not only deal with the issue of treatment while in the institution, but you should also deal with the issue of how the drugs get into the facility because that's clearly the other issue.

We know that in our institutions across the province as everywhere else—this is not an Ontario-alone problem; Ontario probably fares better than most—people do get access to drugs and alcohol in jails. How do they do that? I don't know per se and I don't think anybody in this House probably knows per se, but I think we've got fairly good idea. It's being brought in in a number of different ways: by people chucking it over the prison wall, by people bringing it in on their person and not being found during the search, and by an inmate's friend and family. It could be brought in by—who knows?—a number of other means.

One of the things we need to do, if we're serious about dealing with the issue of drug use within the prisons and by inmates, is not only to deal with the issue of proper treatment when somebody goes into an institution as a result of drug usage, but we should also deal with how we make sure the drugs don't go into the jail in the first place. You do that by beefing up the security and beefing up the staffing complements within the jails. That's the only way to really do it.

1920

The government across the way is not going to get political hit if it does either one of those two things, hence the problem. What I've been speaking to you where I've been wanting to go with this debate for the past little while is to say to the government, to say to you in the Legislature and to those watching, what this bill really all about is politics. It's about saying that a government is going to do something about what is perceived as a real problem within our society, so the government comes forward with what I tend to call a placebo piece of legislation. It's a placebo because it looks like it's the right pill for the diagnosis of the disease, but it doesn't do anything. It's just sugar candy. At the end of the day there is nothing in this legislation that's really going to make the kind of effect that we've got to make on drug usage within the institutions in the province of Ontario.

I say to the government across the way, if you're serious about the issue of drug usage, let's talk about how we deal with that. I think that members of the government, members of the opposition and the public are prepared to hear what we have to say and what others have to say about how you deal with the issue of drug

usage within our institutions. I would hope that we don't end there. I would hope that we also look at the issue of alcohol and drug usage across our society, because clearly one of the biggest problems we have in families across the province and across this country is, unfortunately, the use of alcohol and drugs. Many families are suffering today because of it. Children are being put in situations that are very harmful as far as both physical and mental abuse are concerned. What it does to the individuals themselves who are under the influence of alcohol or drugs: it busts families, it busts people's lives, it breaks careers. It does all kinds of things to our society.

If we want to get into a debate in this Legislature on how we deal with trying to lessen the usage of illegal drugs and trying to lessen the usage of alcohol to the point of trying to deal with the issue of alcoholism, I think that's a fair debate to get into. I think that at the end of the day, most people would want to see us go that way. Again, this is a government that stands up and says, "We're going to do something about a problem," but when you examine the bill, you find out that nothing at all is being done to bring us in that direction.

The other part of this that is interesting in regard to corrections is what the auditor had to say about correctional facilities. I was dumbfounded—last week, I think it was, or the week before—when the auditor released his report. We know the auditor has been the auditor in the province of Ontario for at least some eight years, and he also had a fairly long, distinguished career I believe within the federal government structure. It was interesting to note the report the auditor brought down. What he said was that this was the worst mismanagement of any government that he had seen in his career when it came to both how they've managed their policies and now they've managed government overall.

There is less accountability now with the changes that the government has done across ministries. There was bad usage of money. He cited examples where people were being paid in the private sector more money than what it was worth for them to manage a service that was being privatized. Where we paid X amount of money for a service while it was under public sector control, we are now moving things over to the private sector by way of privatization and it's costing us more money and we're getting less service. The auditor was very damning of the government in his report when it came to how it managed its jails by way of the move now toward privatization.

As the other part of this legislation, the government wants to give itself the ability to control private jails and make sure they're able to fire and hire to a certain extent those responsible for managing the new private jails. That's a pretty dangerous road to be going down again.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): Why?

Mr Bisson: The member across the way asks why. You can take a look at the history of what has happened in the privatized jails across the US, where that has been done. The government's argument is that if you privatize jails you're going to save money. On the basis of saving

money in itself, according to the Conservative ideology, it's worth the price of privatizing because they're not wedded to the idea of public control. Take aside the issue of public versus private; if you're only doing it for the sake of saving money, you shouldn't be doing it. In no case have we found, where privatization has been done within corrections—and I would argue in no case in the province of Ontario where we've privatized a service—have we found that it's any cheaper.

Mr Speaker, you will know, as a fellow member from northern Ontario from the great city of Sault Ste Marie, that the province of Ontario used to be responsible for plowing our roads. The Ontario highway system was being monitored and maintained by the Ministry of Transportation; 50% of those people who plowed roads were from the private sector and 50% were from the public sector. The idea was to create a bit of competition within the system, allow the private sector to come in and offer its expertise, and at the same time the public sector being able to do the same with the private sector. The point was, we were managing our highways in a way that was fairly efficient. We were spending X amount of money and the roads were cleared. You knew that after a snowstorm in northern Ontario, or while in a snowstorm, you could literally still drive on highways like Highway 129 and Highway 101 and know that if you left Thessalon and you were trying to get to Chapleau in a snowstorm, you would get there.

Now, since we've privatized, you can't. We are seeing highway closures across the province in northern Ontario during the winter months two days after a snowstorm. Why? Because the private sector has not been able to rise to the challenge of maintaining our highways in the winter to any degree close to what it was under the public sector.

My point is this, as it comes back to corrections: the government says it wants to privatize because it's going to save money. I use the Ministry of Transportation as the example. We are now paying more money to maintain our highways—I repeat, we are spending more money to maintain our highways—than we did when it was in the public sector. And you know what? We're doing a worse job of it. Those are not my words. That's the Provincial Auditor, a non-partisan individual who is appointed by the Legislature to oversee the spending and the policy aspects of the government. The auditor has said two or three years running that it is costing us more money to maintain this private system of maintaining our highways and we're getting less bang for our buck. So I say to the government across the way, if you're doing this to save money and privatization is a way of saving taxpayers' money, you'd better stop because it's not saving us anything, and at the end we're spending a heck of a lot more money.

In the issue of corrections, where the minister says he wants to go the way of private jails, if you're doing it on the basis of saving money, I've got to say you're going down the wrong way. If you want to enter into partnerships with communities, for them to be able to run

their community jails in some way, I'm prepared to listen to that debate, but if it comes to the idea of privatizing for the sake of privatizing, whoa. I say to you it's not working, it ain't gonna work, and at the end we're not going to end up with a safer system and we're not going to end up with a system that costs us less money. It is in the end going to cost us more.

I want to return to the point I made at the beginning of this debate because I think it's important to say. There is a real danger we face with legislation such as this. We saw last week or the week before the Minister of Community and Social Services, with great fanfare, come into this House and introduce a bill that says they are going to go out and randomly test those people on welfare for the use of drugs. We now see the Minister of Corrections come in some week or two after and say, "Well, you know, if you think that was something, look what I'm doing."

Mr Dominic Agostino (Hamilton East): "Me too."

Mr Bisson: "Me too," as the member said. "I'm going to go out and I'm going to randomly test all those people who are in institutions, all those bad people that went to jail. All those bad people, once they've served their sentences and are out on conditional discharge, we're going to go out and make sure they're not using drugs. We're going to randomly test them." I say to the government, that is a really dangerous road to be going, because what we're talking about now is setting different types of rights for different classes of citizens. In a democratic society such as Canada, I am really surprised that we're going in this direction and, quite frankly, very upset that you are going in that direction, because there are all kinds of examples in our history where societies have gone down that road by curtailing certain classes of citizens, curtailing their rights as a response to what they see as a political problem or what they see as an opportunity to advance themselves politically.

1930

We saw in Germany during the 1930s the Nazi party. I'm not calling the government Nazis; I want to make sure you understand where I'm going. We saw during the Hitler regime and the regime of others where they basically started going after certain individuals within society because it was politically expedient to do so. We saw different organizations, groups and individuals, based on their political affiliation, based on their religious beliefs, based on their ethnic background, having their rights curtailed, to the fact that we put them in extermination camps at one point and killed many millions of them.

We didn't go from nowhere to the concentration camps overnight. It started by taking away people's rights. They said to the Jews that they didn't have the right to run a business. They said to trade unions that they didn't have the right to organize. They said to intellectuals, "You shouldn't be reading those bad books that talk about all those leftist ideas." And they started curtailing individual rights within those societies to the point that at first the public went, "I'm not sure, but yeah, I don't like those Jews, so it's probably a good thing," and—

Mr Tilson: On a point of order, Mr Speaker: Surely this line of comparison is most inappropriate in this House. He would submit that the member is out of order.

The Acting Speaker: I haven't found him to be out of order. Continue.

Mr Bisson: I was being very clear at the beginning of all of this. I am not saying the government across the way is the same as the regime of the 1930 Nazi movement. That's not what I'm saying. My point that I'm getting at is that in all societies—

Hon Jim Wilson (Minister of Energy, Science and Technology): That's BS.

Mr Bisson: No, listen. You guys are feeling sore over there. Listen, I'm in this debate and I'm trying to be—

Hon Mr Wilson: Go back under the rock you came from.

Mr Bisson: I must have hit them on a nerve because I'll tell you, they're not feeling too comfortable at this point and, quite frankly, I'm a bit surprised that you're taking this as personally as you are. I'm being very up front with you. I'm not trying to compare you to the 1930 Nazi movement. That's not what this is about. All I'm trying to say is, and I'm using history as an example, that once we start curtailing people's individual rights, we do so for whatever reason, for political expedience or because it seems to deal with some kind of problem within our society, at first—I'm saying to you it is a dangerous road to be going down. That's all I'm saying, because what happens is that we first of all say, "Well, we're only going to do a little bit. We'll do this much." Everybody feels a little bit uncomfortable, but we say, "But it's worth the price because those welfare people, you know they're a different class of citizen and they shouldn't take drugs." And then we say, "Oh, well, you know, we're going to do this to inmates. I don't feel too comfortable but they're inmates and they deserve to be treated in that way." And then a little bit later we're going to go down what other path?

All I'm saying is that by way of history, huge radicalism as far as policies such as what we saw in the 1930 through Germany and other examples across the world through history always started with small incremental steps, where the public sort of got used to the idea of curtailing rights, to the point that they found themselves within a society where it was quite normal not to give people rights. That's what my argument is here. I'm just saying as a legislator and I'm saying as a member of this society, I am uncomfortable going down this road.

I don't believe for one second that all of you across the way in the Conservative Party want to go down the road that Adolf Hitler did in the 1930s. I'm not asserting that. All I'm saying is that once we start going down the road of taking away individual rights, it becomes a little bit more easy to do every time.

I will say something. I know darned well I'm going to get some letters tomorrow being written to me by e-mail and I'm going to get some phone calls where they're going to say, "Gilles, it's only right that we do this to inmates because, after all, they broke the law, and it

only right that we do that to people on welfare because, after all, they're on the public dole." I understand that. But as a member of this society, and not only as a member of this Legislature, I find at times you've got to have the courage to stand up and speak out about what you believe. On this one I think it is a very dangerous precedent. I think once you start to take away individual rights based on what class of society you come from, you end up at the end putting society down a path, and who knows where it's going to lead? All I'm saying is that at the beginning you start with a very small step, and eventually they become bigger ones, and eventually people get used to taking away rights from individuals.

I say to the members in this assembly, I am not going to vote for this legislation on a number of reasons, one of them being, as I just pointed out, I am opposed to the idea of curtailing individual rights based on what class of society you come from or what sector of society you come from. I'm also not going to support this legislation on the basis that in the end, even if you want to deal with the issue of drugs, I don't think you're going to be successful in your attempt doing it by way of this legislation. I think you will be more successful if you find ways of providing programs and treatment within facilities and ways of dealing with stopping the usage of drugs by being able to curtail how drugs get into the facility. That is the warning I give to the government across the way.

On a l'opportunité, de temps en temps, de participer dans un débat comme ça qui touche, je pense, au cœur de beaucoup des problèmes qu'on voit dans notre société. Je veux dire au gouvernement, très carrément et d'une manière très directe, que je ne suis pas confortable du tout, du tout faisant affaire avec la direction que le gouvernement prend avec ce projet de loi. Je trouve que, quand une société commence à enlever les droits d'un individu basé sur la classe de laquelle vient cette personne, c'est très dangereux pour ces individus et c'est très dangereux pour la société en général.

Le gouvernement nous dit aujourd'hui, « On va prendre les droits des individus qui sont dans des institutions provinciales » quand ça vient à quelqu'un qui a été chargé parce qu'il a brisé une loi, « et on va mandater par loi, on va vérifier s'ils prennent des drogues en faisant certains tests sur leur personne. » On fait encore ça avec des personnes sur le bien-être social.

C'est un principe qui est très dangereux dans notre société. Le Canada est supposé être une société qui croit à la liberté de la personne. Quand on commence à aller dans la direction que ce gouvernement prend où on est en train d'enlever les droits de la personne, on commence à ôter certaines libertés, et je dis au gouvernement que c'est très dangereux d'aller dans cette direction. On le voit dans l'histoire du monde où on a commencé à enlever des droits par petites mesures chaque fois. Au commencement, les individus de la société n'ont pas été terriblement confortables mais on se dit que la mesure est nécessaire parce qu'il y a un problème. Éventuellement, quand ils ont réalisé ce qui est arrivé, les droits en entier ont été ôtés de leur société. Je pense que c'est un danger quand on commence à traiter ces lois.

Le gouvernement dit, « On veut mettre cette loi parce qu'on voit un problème avec ceux qui utilisent des drogues dans nos prisons et avec ceux qui utilisent des drogues sur le bien-être social. On a raison, comme gouvernement, de s'assurer qu'ils ne prennent pas des drogues et on va les pénaliser quand on les trouve à avoir pris des drogues en faisant des tests sur eux autres directement. » C'est un principe qui est pas mal dangereux.

Deuxièmement, je dis au gouvernement directement qu'on ne peut pas, dans mon opinion, vraiment avoir un effet positif quand ça vient à l'utilisation des drogues dans nos prisons en faisant les mesures que le gouvernement est en train de nous proposer aujourd'hui. En d'autres mots, je voudrais mieux voir le gouvernement aller dans la direction de dire, « On va mandater des programmes dans nos prisons afin de s'assurer que nous donnons à ceux et celles qui utilisent des drogues ou l'alcool dans les prisons l'opportunité de faire un traitement afin de combattre leur problème, le fléau qu'ils ont, directement. »

La manière dont on commence ce processus, c'est de demander, une fois que la personne est chargée et est amenée devant les cours, « Pourquoi la personne a-t-elle brisé la loi ? Pourquoi se trouve-t-elle aujourd'hui ici devant la cour ? » Si la famille ou le policier ou les personnes qui ont participé dans l'événement disent, « Écoute, cette personne-là, c'est parce qu'elle voulait avoir de l'argent pour acheter de la drogue » ou « La personne était sous l'influence quand elle a brisé la loi », là on suggère à travers le jugement de s'assurer qu'il y a un traitement, une fois que la personne est rentrée dans la prison.

On sait, si une personne a un traitement pour au moins d'un mois—on a besoin d'une période d'au moins un mois, deux mois, pour avoir un effet. Il y a une bonne possibilité que vous pouvez briser le problème en donnant à la personne le traitement une fois rendue dans la prison.

So again I say to the government, if what you're trying to do is to deal with the issue of drug utilization, you are not going in the right direction. I would argue you have to go by way of treatment once inside the institution.

I also raise within the context of this debate the whole issue of privatization. I just want to say again to the government across the way that if what you're trying to do by way of privatization is to save the taxpayers some money, I would argue that there has not been a case shown yet in anything you've done that demonstrates to me, or anybody else for that matter, that privatization is going to save us money. The auditor has made it very clear in his reports that in all cases where you've privatized it's cost us more money and we've had less service, so therefore your privatization is not working. I would encourage you not to go down that road. It is not somewhere that you need to go.

With that, Mr Speaker, I'd like to thank you for this time in debate.

1940

The Acting Speaker: Comments or questions?

Mr Tilson: Mr Speaker, I did rise on a point of order and I respect your ruling, although I am concerned with the tone of his direction, that he's comparing—

Mr Bisson: You should be concerned.

Mr Tilson: Well, he says I should be concerned. I am concerned with respect to his remarks in this House that compare this legislation to the things that went on in Nazi Germany. I think that's a most unfortunate comparison. This legislation isn't about taking away rights. That's the difference between you people and the people on this side.

You go to jail because you've done some bad things. It takes a lot to go to jail. To go to jail, to lose your rights, it takes a lot. You have to have committed very serious crimes, and that's what it's all about. It's all about that you must earn your right to leave early. You don't automatically get the right to get out. You have to earn it, and one of the ways in which you earn that right is that you don't take drugs. That's what it's all about. It's not about Nazi Germany. That's a lot of bunk. So it's unfortunate that you've made the statement that we're going down the road of taking away individual rights.

I've always thought that when you go to jail you lose your rights. You don't have your rights when you go to jail, otherwise you wouldn't have committed these crimes against individuals, against the state. You've lost your rights. But you on that side would take the position that we're taking away individual rights.

So, Mr Speaker, I am very, very concerned with the comments that this member has made with respect to his comparing this legislation to what went on in Nazi Germany. That's most unfortunate that he's taken that line of debate. This is all about the protection of the public. It's all about the rehabilitation of those people who have been incarcerated—

The Acting Speaker: Sorry. You're way beyond your time.

Mr Agostino: I listened to the comments made by my colleague from Timmins-James Bay and I think it's not a point about—what's the rationale? Really, one of the key points is, what is driving this? Outside of simply hot-button politics that this government likes to play, there is nothing else driving this. Right now we have serious problems in our jails in regard to understaffing, overcrowding, difficult conditions for people to be working in, and what does this government do? They just push the closest hot button they can find and say, "Drug testing, you know how well that'll sell to the public. It works great in the focus groups. Our polls tell us it's good. Our polls tell us it's going to get us political cheap points." It's the same thing they did when they decided to cut welfare benefits, when they decided to bring in workfare. They now are floating this trial balloon to bring in drug testing for welfare recipients because somehow being poor equates you with being a drug user, equates you with losing all your human rights in this province, equates you with losing the basic dignity we afford all Ontarians. Because you happen to be poor and rely on assistance, you lose all those rights. And this government

is taking the same hot-button approach to what to do with the jails.

The interesting part is, what happens when someone tests positive in jail? This just keeps them in there longer. It doesn't deal with treatment. It doesn't deal with help. It doesn't deal with trying to get this person off that addiction. Sooner or later, despite this government's best efforts to lock these people up and throw the key away, they're going to have walk out that door someday and go back into society and be reintegrated and hopefully not reoffend. But let me tell you that the policies of this government encourage reoffending. As much as they talk about protecting victims, their treatment and lack of treatment for people in jail, their lack of rehabilitation, their lack of help, guarantee that someone comes out, a year and a half or two years later, a better-trained criminal from the point of view of not getting any help from this government. Everything they're doing is simply letting people out the door and then ensuring they're going to come back in again the next day or a month later because they got no help when they were in there.

Hon Mr Sampson: I'm not quite sure what the member for Hamilton East just babbled on about for the last minute and a half, but I want to talk about a couple of points the member for Timmins-James Bay spoke to. One was the concept of the institutions becoming revolving doors. I was nodding my head because I am pleased to hear that at least he has recognized that. It's a serious problem for a lot of reasons, the least of which is that if indeed that's the case, and it is, it means that people are leaving the correctional institutions in this province and going out and reoffending. That means there are more victims created because the programs in the institutions weren't effective.

I say to my colleagues from the Liberal benches, I really can't one day or another understand what exactly your party's position is on this, but I certainly understand where the member from the NDP bench is coming from. He has identified the same problems we have, and that is that you need to make sure you have effective programming in institutions to deal with what is a very serious level of reoffending rates by those who leave institutions.

How do you do that? You offer effective programming. How do you make the programming effective? You make sure that there are consequences to not participating in the programming, which is what we're doing with the earned remission that my colleague previously spoke to; and, second, you say that there are consequences to participating in illegal activities in jail. Because unless they learn inside the institution—

Mr Agostino: Name one program you're running right now.

Hon Mr Sampson: I say to the member from Hamilton East, unless they learn inside the institution that continuing illegal behaviour is wrong, then how can you expect them to have learned that when they leave?

The Acting Speaker: Further questions and comments?

Mr Gravelle: There is no question that what this bill is all about is to set the legislative framework for private

prisons in Ontario and the fact that this government has an absolute mania for privatization. I will have a chance to speak later; perhaps I'll go into some more details about how that is simply not working.

Certainly the auditor has made it extremely clear that there are some real problems in terms of what this minister has been administering in the corrections system for some time. In fact, an extraordinary example is how the privately run Camp Turnaround in Barrie was paid an extra \$400,000 by this minister when they literally went above and beyond the contract. It is just absolutely extraordinary. This is called the Corrections Accountability Act. I don't know why for one second you would think the people of the province would accept that this is about accountability when with this particular project—one of your pet projects—they poured out \$400,000 in extra money to the contractor, when indeed that makes no sense at all. The auditor was very concerned about it, as well as other aspects of it.

The truth as well is that there is an extraordinarily strong groundswell opposed to the movement toward privately run prisons. Again, when I have more time I will look forward to giving some examples of how privately run correctional systems have been abject, horrific, disastrous failures in many other jurisdictions. The minister I think knows that. I continue to be startled that they carry on.

In the province of Ontario we have hundreds of municipalities that took the time to pass resolutions to make it clear to the government and to this minister that they wanted to have publicly run corrections systems in their communities, many in my riding, but certainly many others all across the province. I can tell you that this move toward privatization is not going to work. It's going to cost the taxpayers more money. The auditor has confirmed that for us in last week's report.

The Acting Speaker: Response?

Mr Bisson: I thank the members for their comments. I say to both the minister and the government member, first of all, on the reason people ending up in jail being because they did something wrong, of course. They broke a law and that's why they ended up in jail in the first place. I think we all recognize that. The argument you're trying to make is that people in jail have to feel there's a consequence for their actions if they do something in jail that contravenes what they're supposed to be doing.

One of the issues that you're dealing with in this legislation is the utilization of drugs. You already have the power, Minister. Your superintendents have the power. If somebody is in a jail and is caught using drugs, the superintendents presently have the ability to extend their sentence. That's something they've already got under law. We already have that. All I argue is that if what we're trying to do is to get at the issue of trying to curb drug usage within our jails, it's not by going down the road of drug testing that we're going to have a big effect. I think you have an effect by doing two things: identifying in sentencing why the person offended and then

making it part of the sentence brought down by the judge to ensure there's proper treatment. That means putting in place programs once they're there and making sure there are follow-up programs once they leave the institution. I would argue, if we do that, that the numbers of people returning to jail will drop to a large extent, because we know that is part of the problem we have today.

I also say to the member across the way who took offence to my talking about the experiences of Nazi Germany during the 1930s, I was not, in all honesty, trying to compare your government or the actions of your government directly to the Nazis. The point I'm making is that once you go down the road of taking away individual rights by ratcheting down those rights, people get more and more comfortable with that idea, and who knows where that will take us? That's what I'm warning you about.

1950

The Acting Speaker: Further debate?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm pleased to join in the debate on Bill 144, corrections accountability. The first area I want to deal with is the creation of a drug and alcohol testing program for offenders, which is part of the Ontario government's Blueprint commitment to increase public safety, create more secure and efficient institutions and lower reoffending rates. Substance abuse is a known factor contributing to criminal behaviour. In Ontario, approximately 80% of adult inmates sentenced to incarceration in provincial correctional institutions and 60% of adult offenders serving sentences in the community are found to have some degree of alcohol or drug dependency.

This government believes that drug and alcohol testing for offenders in both adult institutions and under community supervision will enhance the ability of the Ministry of Correctional Services to monitor offenders' compliance with court and release orders.

The drug and alcohol testing program would comprise three separate components: (1) institution-based for incarcerated offenders involving sentenced, remanded and intermittent offenders; (2) community-based for offenders released under parole or temporary absence conditions; and (3) community-based for offenders under court-ordered community supervision, be it probation or conditional sentences.

All of the drug and alcohol testing components would make use of advanced testing technologies and resources through partnering with the private sector.

Mr Agostino: On a point of order, Mr Speaker: Would you check for a quorum, please?

The Acting Speaker: Is there a quorum?

Clerk at the Table: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: The member for Barrie-Simcoe-Bradford.

Mr Tascona: All of the drug and alcohol testing components would make use of advanced testing technologies and resources through partnering with the private sector. Offenders would be tested for alcohol, cocaine, amphetamines, marijuana and angel dust. As new drug technologies are developed, additional substances would be added to the list for testing. Inmates who fail to demonstrate that they are drug-free would lose the ability to earn any remission credits toward early release and would lose remission credits already earned. Criminal offences will continue to be reported to the police.

Probationers or offenders under conditional sentences who fail to report for testing, refuse to submit to testing or test positive could face a variety of consequences. In cases where parolees refuse to submit to testing or test positive for drugs or alcohol, the proposed changes to the mandate of the Ontario Board of Parole would allow the board to begin proceedings to suspend parole. Offenders who have been assessed with substance abuse problems would have rehabilitative programs made available to them as part of a court order or as condition of probation.

The statute also involves reconstituting the Ontario Board of Parole. As part of the Budget 2000 commitment to transform Ontario's correctional system into one that is safer, more effective, more efficient and more accountable, the government is proposing to reconstitute the Ontario Board of Parole into a single release authority called the Ontario Parole and Earned Release Board. Public safety is a number one priority for the Ministry of Correctional Services. To further enhance the safety of Ontario's communities, the government intends to expand the role of the Ontario Board of Parole. The legislation would create a single agency that would be responsible for all inmate release decisions other than certain temporary absence programs.

The Ontario Parole and Earned Release Board would streamline the release decision-making process into one highly effective and efficient organization. Duplications and overlaps between the parole and temporary absence programs would be eliminated. The board would be responsible not only for parole decisions but also for making decisions for early releases, except administrative releases or for short-term treatment and work programs. The board would also be responsible for making earned remission decisions for certain offenders as well as having the authority to audit and review earned remission decisions made by correctional institutions for other offenders. The board would have full responsibility for making consistent, accountable and fair decisions about the conditional release of inmates for provincial correctional institutions. The board's mandate would be to act in the interests of public safety and in a manner consistent with a tougher, more effective, more efficient correctional system.

The board would continue to operate as an arm's-length agency from the Ministry of Correctional Services and would be accountable to the public and to the Minister of Correctional Services.

I want to speak now about earned remission. The government is transforming correctional services in Ontario

into a tougher, more accountable and more effective correctional system that meets the public's expectations for increased safety. As part of this strategy, the government is introducing legislation to implement a new earned remission program for offenders serving sentences in Ontario's jails. The federal discount law for inmates must be stopped. Jail should mean jail. Currently, federal law gives inmates an automatic one third off their sentences. The government's proposed earned remission system would make offenders earn the privilege of early release by actively participating in rehabilitation programs and demonstrating positive behaviour.

Under this proposed system, sentenced inmates will no longer have early release automatically but rather credited each month as it is earned. An inmate could earn remission by (1) actively participating in work, skills, trades, education, community service, rehabilitative and treatment programs and other purposeful activities; and (2) abiding by institutional rules and standards for positive behaviour, zero tolerance for acts of violence, and alcohol and drug-testing programs.

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An inmate would fail to earn remission and/or lose remission already earned by (1) failing or refusing to actively participate in treatment and/or work programs; (2) violating the zero tolerance policy for violence against correctional staff; (3) failing to demonstrate they are drug-free and alcohol-free; or (4) failing to meet standards for positive behaviour.

Sentenced inmates entering Ontario correctional institutions would be advised of the earned remission rules, standards and regulations. Inmate case plans would be developed and inmates would be assigned or referred to appropriate programs. Earned remission committees would be established in each correctional institution as the program is implemented throughout the system and would be responsible for reviewing, verifying and approving inmates' earned remission.

The proposed Ontario Parole and Earned Release Board would have the authority to audit, review and reverse earned remission decisions made by correctional institutions for offenders and make all early release decisions for offenders serving 18 to 24 months. As always, public safety would be the most important consideration in all of the board's release decisions.

Interjection.

Mr Tascona: I know that is of paramount interest to the member from Durham.

Mr John O'Toole (Durham): Of course, and thank you very much.

Mr Tascona: I want to speak on the local board of monitors. The government will begin establishing local boards of monitors in Ontario correctional facilities. The government intends to appoint volunteers to act as independent observers of the day-to-day operations of Ontario correctional facilities. The boards will consist of community members drawn from the area in which the correctional institution is located.

The boards would strengthen the links between Ontario correctional institutions and the communities that

host them. Board members would provide a balanced perspective concerning the care, supervision and programs for offenders. Their primary responsibilities would include public scrutiny of the institution premises, the administration of the institution and the welfare of the inmates.

As a link between the community and the institution, they will provide a balanced perspective on safety decisions and offer insight into any problems. Members of the boards would have access to inmates and would be allowed to inspect their local facility.

The recommendations of the boards would be publicly reported annually. They will also report concerns to the on-site ministry representative, as well as the institution's superintendent.

The ministry is committed to ensuring that the highest performance standards are met in the operation of Ontario's correctional facilities. The boards of monitors, in their advisory capacity, will provide additional public scrutiny. These boards will first be established at the new correctional facilities that are being built in the Penetanguishene and Lindsay areas. The boards will be phased in at all other correctional institutions.

The next thing I want to comment on, Mr Speaker, which I know you're interested in, is the governance authority for public-private partnerships for the delivery of correctional services. As the government continues to build on its successful public-private partnerships in corrections, it is important to ensure that the appropriate measures are in place for close monitoring of the delivery of services.

The establishment of the government's framework for the management and monitoring of all public-private partnerships would ensure that the Ontario government maintains consistent overall authority and accountability for services provided by partners. The Ministry of Correctional Services would be able to monitor 24 hours a day, seven days a week, and also retain step-in rights to immediately take over the delivery of correctional services in an emergency or if public safety were at risk.

As part of the proposed legislation, provisions would be in place to ensure accountability of all partners in the delivery of correctional services. Operators would be required to (1) comply with tough, ministry-set standards of operation and performance; (2) provide the ministry with unrestricted access to facilities, offenders and facility records; (3) comply with information disclosure and privacy legislation; and, finally, provide for inmate access to the Ombudsman.

The Ministry of Correctional Services would maintain overall responsibility for all Ontario correctional facilities and set and enforce results based on performance standards. All operators, whether public or private, would be required to meet the same high performance standards for safety, security, effectiveness, efficiency and accountability.

What we're dealing with here under Bill 144, as its title indicates, is to ensure that "offenders demonstrate that they are drug-free, to set rules for offenders to earn

their release, to give the Board of Parole a say in earned release decisions" and a reconstitution of the Board of Parole.

In this particular area, I want to comment a little bit more on earned remission. In the current correctional system, sentenced inmates are automatically credited with a reduction in the length of sentence in accordance with the federal Prisons and Reformatory Act, also known as PRA. Under the PRA, an inmate is given a half-day of remission for each full day served. This means inmates can have their sentences reduced by up to one third of their total. For example, an inmate serving a 90-day sentence could have his or her sentence reduced by a maximum of 30 days—15 days for each of the first two months served.

Currently there are no means by which the provincial prison authorities can hold inmates who have earned remission in custody until the full completion of their sentences except if they lose their earned remission through bad behaviour. Since the Ontario government cannot repeal the federal discount law, we should be making inmates actually earn any remission in their sentence instead of handing it to them automatically. Earned remission should be a privilege given to those who earn it, not a right.

We should ensure that inmates not only have to behave themselves when in jail but they should also have to actively participate in programs which address their criminal attitudes and behaviours. These programs should include things like education and training, doing work in the institution, as well as treatment programs to address the causes of the criminal actions. Inmates should also have to behave appropriately when in the institutions, treat officers with respect, keep free of drug and alcohol use and obey the rules and regulations of the prison.

If they misbehave or refuse to participate in programs, then they have not earned their remission and should not be let out early. They should serve their full sentence. Making prisoners earn their remission would make them more accountable for their actions and their impacts on society.

Decision-making as to which inmates have or have not earned their remission should be done in a fair and consistent manner so that individual biases are eliminated.

2010

Because giving inmates remission means letting criminals out of jail before they have served their full sentence, these decisions should be made with great care by an independent body, such as the parole board, especially in the case of high-risk offenders. The parole board already undertakes a very similar decision-making process when determining which offenders should be allowed to get their parole. Their mandate should be expanded to include earned remission decisions.

One other aspect of this piece of legislation deals with drug and alcohol testing in adult institutions for the Ministry of Correctional Services. Approximately 83% of adult inmates in correctional institutions are found to have some degree of drug and alcohol dependency. The

presence of illegal substances in the institution increases the danger to and compromises the safety and security of staff and the inmates. Intermittent offenders are often used as carrier pigeons, bringing illicit substances into the institutions.

Having drugs inside institutions also makes it more difficult for offenders undergoing treatment programs to successfully overcome their addictions. Inmates who fail to stop using alcohol and/or drugs in the institution are likely to continue using them when they leave the institution, and often fall back into criminal patterns to support their addictions. Therefore, we should be doing drug tests on a random basis on all inmates in Ontario correctional facilities.

We should have a truck—with respect to this area, when we are dealing with correctional staff specifically, they should not need to worry about all the administration in having to collect samples for drug tests. Instead, this is a perfect opportunity for the province to partner with the private sector. A private operator can worry about the collection and administration of the drug tests.

If an inmate refuses to undergo testing or tests positive, the inmate should face penalties such as losing privileges, including earned remission, and also facing criminal charges. Programs to address drug and alcohol addictions should be available to the institutions to help treat inmates' addictions.

The Deputy Speaker (Mr Michael A. Brown): Questions and comments? The member for Thunder Bay-Atikokan—no, Thunder Bay-Superior North.

Mr Gravelle: Thank you very much, Mr Speaker—a much bigger riding, Thunder Bay-Superior North, much like your riding.

I listened very carefully to the remarks by the member for Barrie-Simcoe-Bradford. I thought it was interesting, from the point of view that it was well over 10 minutes into his remarks before he even made any reference at all to public safety. He only made reference to it, I think, because of a prodding remark from a colleague of his on his side of the House.

That is one of the things that concerns me so much. He certainly was very happy to talk about the drug testing of inmates, and I have some concerns about that as well, but I'm not going to focus on that for the purpose of these remarks. He wanted to focus on the issues they consider to be the issues for which they want to be known, but the fact is that what people should be concerned about is the whole aspect of public safety. One thing that is very clear about privately run correctional institutions is that there's a much higher incidence of escapes from privately run institutions. There is a much higher level of assaults on guards, on the staff. There is a much higher incidence of assaults on inmates. There is overwhelming evidence that that's the case. If you want to talk about public safety, and you should talk about public safety, they seem much less keen to talk about it.

Also, when he finally began to talk about the whole question of public-private partnerships, the one thing

they don't want to talk about, because they haven't got the evidence for it, is that strangely enough one would think the reason you are moving to a privately run situation is because it's going to save the taxpayers money. It's overwhelmingly clear, as in so many instances with this government, that their privatization ultimately is costing taxpayers more money. That may very well be the case in terms of privately run institutions. We've seen that with Camp Turnaround in Barrie; we've seen them throw out 400,000 more dollars in that regard.

The fact is, public safety clearly isn't one of their priorities, privately run institutions are more dangerous and have more escapes, and this is not going to save any money.

Mr Bisson: I have a question to the member across the way. As you were reading your notes you said it's important that the government have trucks, and I'm trying to figure out what that had to do with the debate.

Hon Mr Stockwell: He didn't say "trucks."

Mr Bisson: That's what we heard on this side. It was the word "trucks." We wonder, when reading through your speech, if maybe there was a typo or maybe you didn't pay attention to the word, or whatever it is. But I'd like to know what that particular part of the speech was all about, because you certainly had us baffled on this side.

I say again to the government members across the way that you're trying to send a message that you want to deal with the issue of drug utilization within the jails, and you argue the only way to do that is by mandatory drug testing within the jails. I say at the end of the day you're not going to be any closer to dealing with the problem by going at it that way. You have to deal with the problem at the very beginning. You have to deal with it at sentencing. Why did somebody go out and break the law? More often than not you're going to find out that it is alcohol- or drug-related. If that could be part of the court proceeding and that could be part of what is taken into consideration when it comes to sentencing, I think that's how you get people into treatment. You give the judge by way of law the ability to prescribe treatment once the person goes into the institution.

We know as legislators what ends up happening. Many of the people who go into our institutions end up coming back in again. One of the reasons they come back in again is because of drug and alcohol utilization. If we want to deal with that issue as a societal issue, I say to the government that as a New Democrat I am more than prepared to deal with you on that. But where I fundamentally disagree is how we get about to the issue of treatment. I say deal with it at sentencing. It's sexy to stand up in the House and say we're going to give mandatory drug testing to inmates. It's going to be sexy to the public, but I think in the end you're not getting any closer to dealing with the problem. Deal with the issue at sentencing, put in place the treatment and make sure we've curbed the utilization of drugs in our jails. That's the way you're going to have to do it.

Mr Garfield Dunlop (Simcoe North): I'd like to take part in the second reading debate on Bill 144, the Correc-

tions Accountability Act. I'd like to thank my colleague from Barrie-Simcoe-Bradford and also the members from Timmins-James Bay and Thunder Bay-Superior North. I'm learning these areas. It has taken a year and a half.

You keep mentioning Project Turnaround. I'd like to make some clarifications on that. That's another private sector partnership in my riding. Project Turnaround, first of all, is not in Barrie; it's 20 miles away from Barrie, out in the countryside between a community called Hillsdale and a community called Coldwater. For years and years it was called Camp Hillsdale, and it was a correctional facility until the government of Bob Rae closed it down because basically the grounds had deteriorated and they didn't feel it was effective any more. But there was a lot of public outcry at that time because that camp had a farm and they actually grew crops and vegetables for a lot of facilities and jails in the area.

The \$400,000 you keep referring to was never part of the contract with the operators of Project Turnaround. They're a company called Encourage Youth Corp of Canada. The \$400,000 was money that was put into the facility to make it safe and secure so there wouldn't be problems within the communities. Very simply, the \$400,000 was not part of the operating costs of the operators of Project Turnaround. I think we should make that clear. The auditor didn't make it clear in his report, but that's a fact of life we have to live with. I wanted to make that clear and put it in Hansard tonight, that the \$400,000 was part of the government's responsibility.

Mr Agostino: I just want to join in with the comments that have been made. When you look at this bill, there's nothing in it that addresses the issue of how these drugs get into jails. Is it a lack of property security? Is it underfunding? Is it a lack of procedure? The reality is that, once again, the government tries to address a problem after it occurs rather than trying to prevent it. It's not as politically attractive and it's not as hot-button to try to prevent the problem as it is to try to do the tough talk after you know there's a problem there. Again, is it your understaffing? Is it the cuts you've made? Is it the fact that your jails are overcrowded? Is it the fact that you're risking the guards' lives, literally, and their safety by having regulations that have two jail guards for 72 inmates, totally unreasonable numbers?

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But you don't want to deal with that, because that takes some real thinking, some real solutions and some investment, so that particularly, at the end of it, we're going to have more guards available, more jail guards who can be there to help and deal with situations.

Earlier—the minister didn't answer—it was the whole issue of what you do when you find a problem. OK, great, so we find someone who tests positive, so instead of two months, they'll get out in three months. How does this solve the problem of drug or alcohol abuse? I'm just trying to understand now. Isn't it a better investment to start looking at addiction and treatment programs across the board in this province, rather than simply saying, "You know what? We're going to be tough. We're going

to throw the key away for another month, and then we're going to throw you back out on the street. And you know what? You're fixed. There's no problem. We tested you. You tested positive for drugs, and you spent an extra month in jail. Problem solved"? When you walk out that door a month later, what happens? What happens at that point?

These guys like to just throw away the key and think that solves the problems of dealing with offenders and with criminals in this province. Frankly, as I said in my earlier comments, this government is contributing to re-offending by putting in those kinds of programs that do not encourage people to get help and treatment when they go to jail.

The Deputy Speaker: Response?

Mr Tascona: I'm very pleased to respond to the well-thought-out comments by the members opposite and definitely the member from Simcoe North. I think I spoke first to the member from Thunder Bay-Superior North. I said first that the creation of drug and alcohol testing programs for offenders is part of the Ontario government's Blueprint commitment to increase public safety. The theme throughout what I have said about this bill was public safety. When you talk about—the member from Timmins-James Bay—drug and alcohol testing, I said approximately 83% of adult inmates in correctional institutions are found to have some degree of drug and alcohol dependency.

This is a safety issue for the public, for the inmates and for the correctional guards. This is a safety issue. The member from Simcoe North hits the nail on the head, especially when he says that Project Turnaround isn't in Barrie. But beside the point is that the investment that was put in that facility was for the safety and security of the community. That's what this is all about. The member for Hamilton East is very typical of the opposition party across the way: soft on crime and not in favour of public safety. Anything to get away from public safety.

So I say this bill is about a lot more than the dynamics and whatever is being said across the way. They don't understand the bill. The bill is about public safety. It's about drug and alcohol testing. It's about earned remissions. It's about reconstituting the Ontario parole board. It's unfortunate, but the member opposite, from Hamilton East, is soft on crime and very weak in his position.

The Deputy Speaker: Further debate?

Mr Gravelle: I will be sharing my time with the member for Hamilton East. I'm glad that I was able to persuade the member for Barrie-Simcoe-Bradford to truly focus on public safety as being one of the key issues, because indeed, if he looks back at the Hansard afterwards in terms of his former remarks, he'll recognize that he by no means focused on it as one of the concerns.

I appreciate the clarification from the member for Simcoe North, although I think the facts are clear. The auditor had real concern because the contract was very clear about stating there were no extra costs above and beyond. The ministry signed that. If this extra money was going to be part of the contract, it should have been

understood in advance that it was going to be there. So I think the auditor continues to have those concerns. He dealt with the ministry about these concerns and they still exist.

But I'm glad to have a few moments to speak on Bill 144, as I do have some grave concerns about it. I think probably not a bad way to start would be to talk about the fact that this government does seem to have an absolute obsession with privatization. We see it in so many areas. The one that has concerned me the most in my former role as critic for transportation was the privatization of road maintenance in this province. I continue to have those concerns that indeed the privatization of road maintenance is certainly going to have a dramatic impact on public safety potentially. But the auditor himself has made it clear that what is most odd about this process is, first of all, that the so-called savings of 5% that the ministry said were guaranteed as part of privatizing road maintenance have not happened. In fact, in the auditor's report last year, he made it clear that of the four pilot projects that were put in place for road maintenance, costs were going to be higher. He feared the costs could be considerably higher. We know there are lots of examples of road maintenance—

Mr Steve Gilchrist (Scarborough East): On a point of order, Mr Speaker: You were correct the other day to draw to my attention that one must keep on topic. So far the member hasn't spoken to the subject at hand today.

The Deputy Speaker: I'm sure the remarks will be brought to bear on the bill.

Mr Gravelle: I'm sure the member recognizes there's a real connection, in that we will be talking about the privatization of our correctional system. What I'm trying to point out, and I'm glad he drew attention to it, is that the privatization costs more money. This is the oddest thing I find about this entire process.

We have the privatization of road maintenance, which the auditor says has not had any savings and may cost more money. We have examples of cost overruns in terms of the correctional system, as identified by the auditor in his report of last week. The point is, if the intention is to try and save the taxpayers money, it is an abysmal failure on those terms. But that shouldn't be the number one priority regardless; it should be the question of public safety. There are so many clear examples of how privatizing our correctional system is very bad in terms of public safety.

We look at the driver testing facilities the Ministry of Transportation is going to put forward and at the fact that it looks like they're going to privatize our truck inspection stations. That's a great concern. Obviously the government has the philosophy that they can privatize anything. They believe it is the right way to go. If they believe it is the right way to go because it is saving money, it sure hasn't been proved at all by the auditor. It's a real concern.

My starting that way was to make the point that the privatization of all these systems, if it isn't going to save money, makes no sense. More specifically, if we look at

Bill 144, at the whole question of accountability, at what the purpose of this bill is, you can't help but have extraordinary concerns.

If the issue is one of accountability, we know that there are so many examples all around the world of where the privatization of the correctional system has proved to be a real problem. There are examples in Scotland. There are examples in New Mexico. We've got example upon example of states in the United States that have made it very clear that privatization of the correctional system is a disaster.

Let me give some examples. I don't even know where to begin. Maybe I'll start at the very beginning and then we will see how much time I have left. I'll make sure I leave some time for my colleague.

Scotland on Sunday, a magazine there, reported that a recent private prison project cost over £160 million—ie about \$400 million—more than previously claimed. It was an example of a private prison that was hailed as a cheap way of running corrections in Scotland. It is going to be run at £290 million—at about \$2.50 a pound, that's about \$700 million—over 25 years instead of the £130 million as agreed to in the contract. There's a whole concern about the cost going up over there.

In New Mexico, they report that Cornell Corrections so regularly inflates the numbers for the administration of the Santa Fe jail that the city has been forced to hire someone whose full-time job it is to review and oversee the billing. The whole question of billing is another issue altogether. The fact is, this is another great concern.

Also in New Mexico, Governor Gary Johnson's privatization bid has failed to deliver on its promised cost savings. The failure is apparent because he has recently asked for additional funds to finish the current fiscal year, plus an additional 7.8% for next year.

The Oklahoma Department of Corrections has levied a large fine against Great Plains Correctional Facilities for failing to meet contractual obligations regarding medical care for state prisoners.

In Utah, Cornell Corrections and the state Department of Corrections are prepared to complete a contract for the state's first privatized medium security prison at a cost of \$62.84 a day. The problem is that the state already houses inmates at a cost of \$43 a day. This mad rush to privatize essentially has forced Utah's sheriffs' association to announce its opposition to the plan, arguing the plan is purely ideologically driven.

I would love to have any one of the government members, particularly the minister, explain to us (1) how this can save money, and certainly (2) how it could be safer.

2030

There has been a great focus tonight on mandatory drug treatment in the jails. I'm very concerned about mandatory drug treatment being forced on welfare recipients in this province, which is being done by the Ministry of Community and Social Services. The work I've done on that has made it very clear to me that not only is that going to be a contravention of the Ontario Human Rights Code, not only is it likely to be illegal, as I'm sure the

Attorney General will be pleased to talk about at some point—I'm sure he has concerns that it may not be legal or allowed under the charter—but there are great concerns about just how this process could be done. That's another issue altogether.

In the short time I have left, let's focus on the issue of public safety, something that my colleague across the floor did not seem to want to spend a great deal of time on.

There are some quite alarming facts about private prisons. In earlier remarks I made reference to the fact that literally hundreds of municipalities in this province debated it, discussed resolutions and passed resolutions over the past year, making it very clear that they were not in support of privately run correctional institutions and wanted publicly run ones, several of them in my riding, such as the town of Nakina, the town of Beardmore, I believe the township of Nipigon, and many others in northwestern Ontario, and many across the province.

The city of Thunder Bay in my community passed a resolution and then I think backed down when they were told they wouldn't get the improvements to their correctional institution unless they actually pulled that resolution off the books. I can't prove that, so I've got to be a little bit careful but it was unfortunate how that happened.

Let's focus on the issue of safety. The facts are that escape rates in private prisons are 32% higher than in public facilities. This is according to a Florida case study. Assaults on correctional officers—

Mr Gilchrist: That's in the States.

Mr Gravelle: No, listen, these are legitimate studies that have been done in every jurisdiction that has gone to private institutions. Assaults on correctional officers are 50% more common in private prisons than in public facilities. This is according to the National Council on Crime and Delinquency. These are statistical realities, things we should be concerned about.

It alarms me that the minister and the government members never want to discuss these issues for some reason. They will talk about the aspects they think are hot-button points that will be somewhat appealing, that will get them headlines, but they won't deal with the legitimate concerns we all have, which is our job here as legislators. We have concerns about whether or not privately run institutions can be run as efficiently. We certainly have concerns about whether they can be run as safely. The facts are really quite clear in all regards, that this is something that must be ideologically driven rather than practically driven, simply because they're not safer institutions. They're not safer for the correctional officers who work in the institutions, they're not safer for the public, as there are more people escaping from private institutions, and they cost a lot more.

The evidence is overwhelming and I think the minister would do well, as would the government members who are speaking on the bill, to look at these facts more carefully. Because the government is so driven to privatize so many aspects, I don't think they're taking a

realistic look at what is going to happen as a result. Whether it's road maintenance or driver testing or private universities or this situation, this is something the government should not be going ahead with.

I will now happily pass off to my colleague from Hamilton East.

Mr Agostino: I'm very pleased to join the debate along with my colleague from Thunder Bay. One of the previous speakers on the government side talked about the fact it's a safety issue and I agree with him. It is a safety issue. It is a safety issue, for the community, and what would endanger that safety of the community is the move to privatize the jails.

The history is there. My colleague spoke about the awful stories in the United States and the lack of success: increased escapes and increased assaults on jail guards in correctional facilities. States that had moved in that direction are moving away from that direction. I think the former minister, Bob Runciman, had it right before the election when he said, "There are too many unanswered questions about safety"—they're his own words—"to proceed with private prisons." I think those questions are still unanswered. They don't save money. The American experience has shown that.

The police association was here a week ago and the government put on a dog and pony show, trying to impress them and show that they're on their side. But here we go: the police association is opposed to this. Why don't you listen to them? They're experts. They deal with this type of issue every day. Jail guards, correctional officers, who deal with inmates every day are opposed to this. Again, you're ignoring them. You find it convenient to tout the police association line and use that, but you also find it convenient when they disagree with you to ignore their advice and to somehow discard it as being from a special interest group.

Look at the American experience. In the Cincinnati Enquirer in 1998, "A history of violence coupled with last week's escape of six inmates prompted Governor George Voinovich on Monday to search for ways to close down Ohio's only private prison."

What is it going to take in Ontario for this government to get the message that private prisons don't work? They compromise the safety of our community, they compromise the public, they compromise the safety of correctional officers and jail guards—and frankly you're doing that already. You're doing that.

I had an opportunity about a month and a half or two months ago to visit the Hamilton-Wentworth Detention Centre and see first-hand the conditions the guards were dealing with in that facility every single day. Overcrowding: three inmates in a cell that was initially built for one, then a second and now we have a third mattress on the floor. You have 72 inmates and two jail guards on duty to look after those 72 inmates. You have jail guards who, because of your cuts and lack of nursing and medical staff, are now playing the role of nurses and are forced to hand out prescription drugs to inmates as part of the routine, something they've opposed, something

they've spoken out against and something you don't seem to have any rationale for, except that it's part of your cost-cutting measures.

They are the issues that compromise safety. They compromise safety to the officers, to the men and women who are in there protecting a community, ensuring there is protection inside the jail and ensuring that people don't escape. Those are the people you are already compromising by the cuts and the changes you've made. Now, with this move to privatization, you are really putting their communities at risk, you're putting the jail guards at risk and you're not enhancing public safety.

With that whole experience, I don't understand why you're still obsessed with that. Look at "camp run amok," a great experience. The first day, someone walks out the door because it's unlocked, and you leave a van with the keys, full of gas, sitting in the front waiting for them. It's a perfect scenario of how this government's experience with privatization is working and is going to work. It's unfortunate that it's going to take tragedies, as it has in the States, for you to get the message that private jails do not work.

When you look at the issue of drug testing—we talked about that earlier, another great hot button—no one on the government side of the House in their comments or in rebuttal has addressed the issue of how you deal with drugs getting into the jail. Why don't you address that issue? If the inmates are using drugs, then somehow these drugs are getting from the outside to the inside of the jail. I don't think it takes a rocket scientist to figure that out. Why isn't this government looking at that and addressing that issue? Why are you silent on it? Why are you refusing to deal with that problem instead of, again, trying to deal with a quick fix later?

Now you're going to privatize the testing facility or the company that's going to test for these drugs. You've got inmates who are serving anywhere from weeks up to two years in these facilities. You're now going to set up this mechanism to randomly test all of them. Then you get the results and you're going to keep them in jail for another month or two or three, or a week more depending on the situation. Again, I ask the government members, are you concerned about reoffending? Are you concerned about these folks getting out again, or do we simply believe that once they've committed a crime you write them off for life? Is that what you're doing?

Do you believe that is the right way to deal with problems in this province, that once they've committed a crime and they're convicted, this government should write them off? "Forget it. You're gone. We'll lock you away for as long as we can. We're going to make things as difficult as we can. Then, when you're back on the outside we expect you to be model citizens, because the experience you've had when we locked you away has toughened you up, it's made you understand how bad you are." And they go out there the next day and all of a sudden the world unfolds as it should for this government.

The reality is, how do you deal with the real problem? What do you do? Again I say to you, if you test someone

and they test positive for drugs, what programs are available that are going to help these people, or do you care about that? The tough on crime and pounding your chest—"Well, lock them up, they're bad, they're evil, throw the key away, to hell with them." Sooner or later, folks, they're back in society, back among us, they're walking the streets of our communities, and sooner or later, if we don't do something to help they're going to reoffend, and then the cycle starts over again.

You don't seem to understand that. It's just like with the squeegee kids: don't deal with what's causing kids to be on the street in the middle of winter trying to earn a buck or two on a corner, don't deal with that, that's too difficult. That's too difficult for you. You don't want to do that. My God, you might be helping some people. It doesn't get you the headlines, it doesn't let you pound your chest and tell them how tough you are. But the reality is, you don't deal with the real issue.

2040

The same thing has happened here. You don't seem to care about how these drugs get into the jail. In fact, you don't seem to care about what happens when these people get out of jail. There's a much better way to deal with this problem.

Right now there is a shortage of facilities, there is a shortage of treatment programs, not just for inmates but for people who have addiction problems across this province, whether it's drugs and alcohol or gambling, that are destroying families. If you try to get someone into a treatment facility in this province, good luck, unless you have the money to get them into a private facility.

If you're concerned about dealing with addictions, whether it's welfare recipients, whether it's people who are in jail, whether it's people who have a gambling addiction, whether it's people who work in the public or private sectors, or anyone else in our society, that would suggest that you've got to invest and ensure that there are programs available and in place to help people.

People don't get addicted to drugs because they wake up one morning and say, "Hey, this is great. Today I'm going to try and get addicted to drugs," and the next morning they'll try to get addicted to alcohol. Maybe a week later they'll try gambling as their addiction, just for the heck of it. There are problems there. There are issues that have to be dealt with. There is support that is needed. But that doesn't fit into your philosophy. That doesn't fit into your whole tough-love approach to dealing with people and problems.

I would ask this government to go out and talk to some of the jail guards who deal every day in these real, dangerous, difficult situations. Ask them for some answers. Ask them to tell you what the real situation is inside the jails in our province because of what this government has done. You're not concerned about protecting public safety, you're not concerned about protecting jail guards; you're concerned about protecting your public opinion polls. That's what this is all about.

What is driving this government to do this right now? You'll notice they have slipped in the polls. Things are

not going quite as well as they expected. So first they pick on welfare recipients. They do what I think is the most disgraceful, disgusting performance by a minister yet when he rolls out a box of needles on a table and suggests that because you're poor, you're automatically on drugs in this province and we have to test you. What a disgraceful performance by a government in the year 2000 in the province of Ontario. It is embarrassing, but you roll that out because you need a plug, you need a bit of a push in the polls. I know your focus groups have told you that sells out there, but there's a time for government to do what is right, not simply what is politically expedient.

That was your first one, "Let's push welfare," and now, "If we think we can demonize welfare recipients, think how much we can demonize people who are in jail. My God, we can make welfare recipients look like choir-boys compared to people who are in jail, so let's pick on them next," instead of saying, "Yes, you committed a crime, you serve your time. You should be sentenced, you should be punished for the crime you've committed." The difference is that you write them off at that point. We don't. We believe once they've served their sentence and once they're out there, we've got the responsibility to give them help and the resources necessary to make sure they don't reoffend. That means that if they have a drug and alcohol addiction, we have programs and services for them out there, because if we don't, they're going to end up back in jail again.

You talk about victims. How are you protecting victims by letting someone out without giving them the help and support they need? You're almost ensuring they're going to reoffend. Is that protecting victims? This is not about protecting victims; this is about trying to protect a third term for this government.

The Deputy Speaker: Questions or comments?

Mr Bisson: Thank you very much to both the member from Kenora-Superior and the member from Hamilton. I agree with the points they brought forward.

I say again what I said at the beginning of this debate: if the government is serious about dealing with the issue of alcohol and drug utilization in our jails, I applaud that. I think that's a good thing, because we know we have a problem. We also know that many of the people who are in our jail system are people who reoffend and come back in, and often it's associated with alcohol or drugs. I say to the government across the way, if you want to deal with that issue, I as a New Democrat am prepared to give you my support and do what is necessary to pass legislation or put in place programs that deal with the problem and not the politics of the issue. What you're doing in this bill is trying to get the photo op, trying to get the politics, trying to get your numbers up in the polls by saying, "We're tough on crime. Look at us. We're going to test inmates and those people who are on parole for utilization of drugs." At the end of the day, is it going to do anything to lessen the utilization of drugs within our jails? No.

The way you're going to do that is to look at the root causes for the offence being committed at the very begin-

ning, when you do the sentencing. More times than not, we're going to find out it's related to drugs or alcohol, and as part of the sentencing, you give the judge the ability to order treatment once they're in the facility. That's the first step.

The second step you've got to deal with is how we import drugs and alcohol into our jails. I don't see the government coming forward with the necessary money and staffing to be tough on trying to prevent the utilization of drugs by curbing the supply of drugs and alcohol in our jails. Rather, it's whatever you can get when it comes to a media hit. That's where I fundamentally disagree with you. We have the same position when it comes to trying to deal with what is a problem, but you're not going to fix this by getting the photo op; you're going to fix this by putting in place real programs that cost real money.

Mr Dunlop: I'd like to respond to some of the comments by the previous speakers, particularly the member from Hamilton East. I found it really curious when he talked about squeegee kids. I remember that about this time last year, maybe a little earlier in the winter, there was a lot of fear-mongering about the squeegee bill and all the terrible things that bill would do to young people. Well, the funny thing I've noticed in this time—and I'm happy to see that the Attorney General is in the House tonight—is that I don't see any squeegee kids in the streets of Toronto any more.

Mr Bisson: Yeah, they're all breaking laws now.

Mr Dunlop: Before they were harassing the people of the province.

What's really interesting is that they also fearmongered on how any event that was held by a local service club would no longer be allowed on public property. I can tell you about the muscular dystrophy fundraising put on by the fire departments just recently. I gave over \$25 in one weekend to firemen fundraising on public streets in different areas of my riding. I didn't see any problem with that; I was happy to pay the money to the fire departments. But I thought they weren't going to be allowed to do it, according to the fear-mongering I heard last fall from the members opposite.

My time is running out here. These commentaries of two minutes are not very long. I just wanted to say very briefly that as the time goes on tonight I would like to make further comments on the comparison between a publicly run facility and a privately run facility as far as the 1,200-unit jails which we are building in Penetang and Lindsay are concerned. I want to compare those in a comment further on.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm very pleased to stand in the House tonight and speak in support of the comments made by my colleagues from Thunder Bay-Superior North and Hamilton East. I think they've raised many valid issues about the bill.

I have to say that when I read the bill I looked at it from the perspective of what I think is necessary or valid. There are parts of the bill that I think have merit and are

worthy of consideration and possibly even support. But what is so typical of legislation that comes from this government is that there is always an element of the bill that for me is more than I can accept. It crosses a line. For me, that part of this bill is the random drug testing. What has not been demonstrated, or has not been demonstrated to me, by the members of the government with regard to random drug testing is how you know this will be a deterrent. Perhaps the best example the world knows of random drug tests is the Olympics. They randomly test athletes for the use of illegal drugs. Does it stop athletes from using illegal drugs? No, it doesn't. It only proves they are there.

We know that drugs are in the prisons. I think it would be more responsible to make a concerted effort to rehabilitate prisoners so they don't have to resort to drugs in prison, to assist them to kick a habit they may have when they arrive in prison. But I would suggest there is ample evidence today that random tests do not deter people from drug abuse.

Mr O'Toole: It's my pleasure to be on the record. This is why I am here, not just to respond to the member from Hastings-Frontenac-Lennox and Addington, but to respond really on behalf of the people from Durham.

2050

It's sort of like giving a person a hand up, an opportunity. When you think of someone serving time, they've got to serve the time if they do the crime. That's an old line, but it's making offenders earn the privilege of early release through a new earned remission program. It's respecting people who comply with the system. The expectation of society is that people contribute to society, not just take from society.

Implementing random drug and alcohol testing for offenders in both institutions and the community I think is the right thing to do. For the 10 lost years, we've often said, we haven't set standards, not just for offenders but for young people and for other people in this province.

Reconstituting the Ontario parole board into the Ontario Parole and Earned Release Board is putting some authority and some responsibility, relating the two pieces as not just rights but responsibilities; establishing a clear and accountable framework for all public-private partnerships for the delivery of correctional services; and creating a local monitoring board for Ontario's correctional institutions.

I've heard Minister Sampson, the minister of corrections, say on a number of occasions when referring to the federal system that it's Club Fed. I know that the Liberal government won the election yesterday and we'll get to endure another four years of broken promises, I understand that, but it's this government standing up for victims and doing the right thing. That's really why I'm standing here tonight, to try to put on the record—

The Deputy Speaker: Thank you. Response?

Mr Gravelle: I certainly want to thank the members for Timmins-James Bay, Simcoe North, Hastings-Frontenac-Lennox and Addington, and Durham for their comments on our remarks today. If I may just refer

quickly to the member for Simcoe North making reference to squeegee kids, the fact is that we know that food bank use in this province, for example, is up remarkably. We know that food costs more; we know that shelter costs more. We know that people who are living on the border, essentially, and people who are living on social assistance, people who are without jobs themselves, people who are living on low incomes, are in big trouble and this is a government that doesn't seem to care about that. What they care about is basically getting rid of the problem in terms of the sight—sight unseen. I don't think for one second that they should think the problem is solved because they feel they may have dealt with it in this rather harsh manner.

There's no question that this is a government that likes to pride itself on its accountability, which ultimately is a pretty remarkable joke, in light of the fact that enormous amounts of money are being spent inappropriately by this government. The auditor himself made it clear. If I may just quote from the auditor in terms of his report just last Tuesday, a week ago, in terms of the correctional system, he said, "The ministry's decision to finance and construct two 1,200-bed correctional institutions that cost \$180 million was not supported by a sound business case assessing the risks, costs and benefits of all feasible alternatives." He gives other examples of bizarre and strange levels of overspending. Other examples are given of how ministry staff overtime is being used in a manner because they have no choice but to do it.

This piece of legislation is a huge mistake, but I suppose not a mistake for the government; they are quite clearly doing this for the optics. They want to talk about what harsh measures they're taking. What they don't want to talk about is that they're going to impact public safety negatively and it's going to cost a lot more.

The Deputy Speaker: Further debate?

Mr Gilchrist: It's indeed my pleasure to add some comments to the debate before us here today on what is a very important bill. People watching at home could be excused if they didn't understand that it was a bill that went far beyond some of the comments made by the opposition members. As is typically the case, they have dwelt on one small section of an act that is very comprehensive, because, quite frankly, they're afraid to raise the issues of 90% of this bill. They are afraid to talk about them because they know that when they damn the public opinion polls, as Mr Agostino did, that is indicative of the true public will. In fact, in response to my colleague from Durham, the member for Hamilton East yelled out, "The electorate is always right," and I appreciate that endorsement, Mr Agostino, for the 58 of us on this side who will continue to keep the promises we made during the Blueprint.

This bill does a number of things and goes far beyond the issue of privatization of prisons, as the members opposite would have you believe. First and foremost, it is going to make sure that to get out of a provincial prison now, if you've been sentenced to any term up to two years less a day, you're going to have to earn your way out.

Back in 1992, after coming home very late from work at Canadian Tire one night, I was surprised at a mess just inside my front door. On further investigation, I had made it as far as the kitchen, at which point I came across two gentlemen in the midst of relieving me of many of my worldly goods. A knife fight ensued, and quite an extensive chase through the community subsequently. About six months later, thanks to the diligent efforts of the Toronto police, both of those individuals were apprehended. You can imagine my dismay to learn that one of them was on parole and the other one had recently been released from a federal prison with a tremendous reduction in the sentence that some judge had assessed against him for a previous crime. They had, as is euphemistically—

Mr Gravelle: On a point of order, Mr Speaker: I don't believe we have a quorum.

The Deputy Speaker: Is there a quorum present?

Clerk at the Table: A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Deputy Speaker: Member for Scarborough East.

Mr Gilchrist: Thank you, Mr Speaker. Indeed, I know I have the rapt attention of my colleagues who have now joined us.

I was extraordinarily dismayed to discover that both of these individuals had, as is euphemistically known, a rap sheet as long as your arm and had been treated with quite a cavalier attitude by the prison system at that time. These were hardened criminals. These were people quite prepared to pick up a weapon and use it on me and on a number of their previous victims, and despite that aspect of their character, the parole board of the day, under the then NDP government—and, to be fair, federally under the PCs in Ottawa—had adopted an attitude that it was appropriate to let these people back out into the community well before the end of their sentence.

Let me stand here and tell you it was not appropriate to have those people standing in my kitchen wielding a knife. It was not appropriate that those people had been let out of prison one minute before the end of their sentence, because clearly there had been no rehabilitation. They had not changed their ways. It was totally inappropriate for some unelected bureaucrat to have let them out.

This bill is going to change that approach. I'm proud to say, thanks to the efforts of a series of Solicitors General and Ministers of Correctional Services we've had since 1995, we have already made tremendous strides in changing the perspective within our parole system. You may not know that in the five years since we were elected the rate of parole in Ontario prisons has dropped from 59% to 28%. Barely one quarter of the people are getting any time off their sentence. But at the same time Ontario's correction system—that's where you go if you've been sentenced for two years or longer—has seen parole increase from 34% to 43%. We're talking the worst criminals. These are the people who have graduated from

provincial offences and they're doing the hard-core federal time. The fact of the matter is the Liberal government thinks that 9% more of them should have been let out of prison, presumably to save a few dollars, because I can think of no other compelling reason.

We're going beyond that 59% to 28% reduction we can already claim, because this bill would bring about a process that would guarantee that an inmate would have to earn remission from their sentence. How do you do that? There are a number of ways. All of them I think every member in this House, if they dealt with this section of the bill, would have to admit are productive experiences for anyone who's been sentenced to a prison. You're going to have to actively participate in work, in skills or trades training, get an education upgrade, work in community service, rehabilitative treatment programs and any other purposeful activity. You've got to abide by the institution's rules and standards for positive behaviour, zero tolerance for acts of violence while you're in the prison and absolute pass rate on any alcohol and drug testing program.

2100

I would think that all the members opposite would see that, for the first time, as being a demonstrable way in which you could prove there has been rehabilitation, in which you could prove that while sentenced to pay for their crimes, at least they've applied themselves productively, they have learned something, they are better people and, presumably, some of them will prove that they can be trusted back into the community earlier than the judge had originally envisaged. I suspect you'll see that percentage continue to drop from 28%. My hope is that over time you would see it grow again as prisoners understand that when you're sentenced to an Ontario jail, we mean business, that if you're not prepared to upgrade your skills, if you're not prepared to improve your level of education, if you're not prepared to work at community service, whether it's cleaning up garbage at the side of the highway or eliminating graffiti, then you're not going to get back on the street one minute before that judge believed it was appropriate. That's a section I have not heard one word about in terms of criticism from either the Liberal or the NDP.

At the same time, the parole board will see their responsibilities changed, because they will be responsible for administering this new earned release program. In fact, we're going to change the title to the Ontario Parole and Earned Release Board to better demonstrate its new dual role.

Let me tell you the comments we've been made about resources—I have every confidence that hand in hand with this new requirement will come all the investments that have to be made in those skills programs, in those education programs, in the community service programs and, quite frankly, in any drug or alcohol rehabilitation program. That's in another section of this bill, and I would be disgusted if any member opposite is suggesting that we should write off someone who's been sentenced to prison because they have a drug or alcohol problem.

We hear comments from the other side that this is outrageous, that it's a violation of civil rights. Let me remind you, Mr Speaker, and the members opposite that you're not allowed to have drugs in prison. The mere fact of discovering them is *prima facie* evidence that another crime has been committed. The members opposite would have us turn a blind eye to the obvious violation of any number of Criminal Code statutes. They think it's OK to smuggle drugs into prisons. That is what we've heard so far here in the debate and I am absolutely dumbfounded at the suggestion that they find that acceptable.

The bottom line is that that mealy-mouthed, namby-pamby approach to the treatment of crime and the treatment of criminals is unacceptable in this province. The voters have said that time and time again. We are not going to tolerate the smuggling of drugs or alcohol, or the manufacture of alcohol on premises in some cases, in some of the facilities. I would have every reason to expect that when the administration of the prison discovers that a particular criminal has failed a drug test, the first thing they would do is to check and see who has visited that prisoner in the recent past and then involve the police force to make sure the appropriate course of action is followed to root out all the people involved in the smuggling.

But to suggest that we turn a blind eye to this long-standing problem, this far too prevalent problem in our prisons, is an absolute dereliction of duty by the members on the opposite side who have sworn the same oath that I have: to stand up for the people in this province, to uphold the laws. They want us to ignore drug use in prisons. We're not going to. Through new random drug testing we are going to get to the bottom of this, and the prisoners are going to know that we are serious about this and they will know the consequences. The consequences in the minimum will be that you get no parole at all; in the maximum it would be another charge and presumably a successful prosecution in the courts.

I have also not heard about the third important section of this act—I guess, arguably, the fourth—and that's the creation of local boards of monitors. For the first time we're going to be able to provide a link between Ontario's correctional institutions and the communities that host them. For the first time we're going to be able to have volunteers in the community serve as a bridge to make sure the prison itself operates in a way that's compatible with the surrounding community but that at the same time, hopefully, will break down the stereotypes that are attached to those prisoners who may go out into the community after the successful service of all their sentence or after earning remission.

The members of these boards would be drawn from the community. It is our intention that they would have full access to the prison whenever they want, 24 hours a day, seven days a week. They would receive the appropriate training in order to meet the demands of this task and to ensure the safety and security of the public, the offenders and themselves to the highest order.

The boards would also be able to provide impartial advice to the minister and make recommendations to the

minister on any of the findings when they do their tours of prisons and discuss issues with the prison administration. I think that's a very progressive aspect of this bill. It is long overdue.

I tutored in the women's prison in Kingston when I was a student at Queen's University over a quarter of a century ago, and I can tell you that it was a real eye opener to walk into that prison. In many ways stereotypes were reinforced, but in other ways I saw things I have never mentioned in the press. Part of that was in the Club Fed environment even back then. There were more colour TVs in that prison than there probably were in the entire student population of Queen's University. They had a choice of very fine meals every day and all the recreational facilities you can imagine. I'm proud to say that such is not the case in provincial institutions, but even back then in the early 1970s I'm sure Kingston would have benefited tremendously by having a link between the women's prison and the Kingston Penitentiary or Millhaven or Collins Bay, any of the institutions in that area, so the public would be assured that the prisons were running in a safe and secure fashion, and the prisons would know that the community is better apprised of what actually takes place in those facilities. The community would know they have a group they can turn to who have the ear of the minister if they have problems in getting a message across in the community.

In the time left I would like to deal with the one issue that seems to have caught the attention of the members opposite: that this bill will now give the government the authority for public-private partnerships. At the outset, I find it intriguing that the members opposite would not want the government to experiment, to try and apply business practices to this particular service no different than are done in a myriad of businesses across this province day in and day out by thousands, indeed tens of thousands, of entrepreneurs and tens of thousands of boards of directors. They think it's inappropriate that we commission a pilot project that would have two prisons one which may very well continue to operate under exactly the same procedures as is the case right now and another that may operate under a private management and be able to have an opportunity to compare the results during that five-year pilot project.

We've heard all the fear-mongering. We've heard no substantive offers on how the bill could be improved. Their suggestion is that you simply throw everything out and presumably we would have no reason to have the Legislature sit because, to listen to the Liberal and NDP members, there is no reason to bring forward any bill to correct any problem in our society.

We're concerned not only that there has never been the ability to have that objective appraisal of the way in which prisons are operated in this province but, more important, that we would be ignoring the case studies and the very, very detailed examples that have been offered to us from jurisdictions all around the world. There have been very successful implementations of public-private partnerships, and this bill does not presume any particular

outcome. It merely gives the government the authority to commission the sort of pilot project I am talking about here today.

Let me tell you what the bill also makes very clear, though. If in fact there was such a partnership developed, it would have to comply with very tough ministry-set standards of operation and procedure. It would have to provide the ministry at all times with unrestricted access to facilities, the offenders and facility records.

2110

The private management would have to comply with information disclosure and privacy legislation and provide for inmate access to the Ombudsman. The Ministry of Correctional Services would continue to maintain an on-site monitor 24 hours a day, seven days a week and retain step-in rights to make sure that if there was ever a problem—an emergency or a public safety issue—they could take over instantly.

As guardians of the taxpayers and as the group responsible for the application of Ontario's laws, we would not be giving away any rights. We would not be diluting any of our powers. What we would be doing is seeing if we can bring in new creativity; if we can bring in a new way of operating prisons; then hopefully, out of that, the inspiration for even improved rehabilitation programs, the inspiration for greater cost efficiencies than has ever been the case in the operation of our prisons to date. Such are the opportunities that this aspect of the bill would afford us.

The members opposite love to throw out quotes. I admit I yelled across the floor at one point. The member from Thunder Bay-Superior North suggested that Florida said something. Let me just say that I'm prepared to cite a far more specific source, because we have page after page of endorsements for the idea of a public-private partnership in the operation of prisons.

Regarding that same Florida the member from Thunder Bay suggested has a problem, in the Florida Correctional Privatization Commission report, they cited, "A comparison of recidivism rates for inmates of private correctional facilities to the recidivism rates for inmates of comparable facilities managed by the Florida Department of Corrections" showed that "17% of the private facility releasees had an indication of recidivism as compared to 24% of the public prison releasees." That's the same state the member opposite would have us believe has suggested that public-private partnerships aren't working. In addition, they go on to say, "A large majority of private prison releasees, 87%, participated in one or more programs during their confinement in the private prisons, which speaks well of the access to programming in the private prisons."

The members opposite would, I'm sure, find any number of cases. There is, no doubt, no shortage of prisoners in the United States in its various facilities. I'm sure, no less so than in public prisons, there have been problems with jailbreaks, riots and other problems in private facilities. The members opposite are being somewhat myopic in focusing on one country, because many

other countries around the world have pursued exactly the course we are talking about. So far, in our research, the evidence is overwhelming on the positive aspects.

In Scotland they cite that the potential to set performance levels for the remainder of the Scottish prison system and a benchmark against which others can be measured will be set by Kilmarnock, what they call the "model prison."

In England, a quote from A Report on a Full Inspection of HM Prison The Wolds by the Chief Inspector of Prisons in November 1998 said, "The prison service could learn from prisons such as Wolds, and apply any lessons learned right across the service.... In our view a points system to monitor the performance of prisons run by the public sector should be considered.... There was much to be learnt from this prison"—which is privatized—"and equally there could be benefit from closer contact with other establishments."

I think the best quote, though, might be that, "HMP"—Her Majesty's Prison—"Altcourse is, by some way, the best local prison that we have inspected during my time as HM Chief Inspector of Prisons.... I believe that if they can be achieved at Altcourse, a core local, with a most complex range of prisoners ... they can be achieved anywhere." The fact of the matter is that Altcourse is a private prison.

We've seen success in Australia. We've seen successes all around the world. Privatization or public-private partnership is just one very small aspect of a bill that deals with a lot of longstanding problems in our prison system. This bill will go a long way to correct those problems.

Mr Gravelle: What the member for Scarborough East needs to understand is that the aspect of privatization is probably the most alarming part of this legislation. The fact is that the evidence is absolutely overwhelming in terms of many jurisdictions, and we can go on and on; I can read more and more quotes from people in senior positions who had great concerns about the fact that privately run institutions simply were not as safe. Simply, there were more escapes from them.

The member for Scarborough East made reference to a personal and rather frightening situation that happened to him, and it just strikes me that what you should be focusing on is the actual public safety aspect. You made reference to the people who attacked you, and the fact is I think you need to recognize that under privately run institutions the odds increase that there will be more people escaping and these situations can reoccur.

The facts are that assault rates are much higher in private institutions, let alone the fact that the cost implications are there as well. We've gone on about that at some length. There's a tendency for you very much to focus on the aspects of the bill that you think are important, and you make rather scurrilous accusations about us not caring about the fact that there are drugs in prisons, which is not true. We've come up with some very positive and constructive suggestions as to how you can deal with that issue in advance rather than dealing

with it the way that you're planning on doing it. But no matter what, you need to recognize that the facts are overwhelmingly clear that privately run institutions have a much higher escape rate. In privately run institutions, there are more attacks on correctional officers. Privately run institutions have more battles between inmates; there's less of a controlled situation. It's not a good situation; it's not one that's going to certainly save the taxpayers any money ultimately. It's one you really truly need to reconsider. We ask you to do that.

Hon Mr Runciman: I want to respond to some of the comments made by the Liberal members. I think it was the member for Hamilton East who was talking about the strict discipline facility that was implemented a few years ago by the Harris government, which has turned out to be a very significant success in terms of reducing recidivism rates for young offenders. I know the member talked about the escape the night before the official opening, and that's something the Liberal Party continues to hang its hat on, but I would suggest they might want to go up to a graduation ceremony at that camp.

I was up there and I had parents of young offenders coming up to me, mothers and fathers literally hugging me and saying, "Thank you, thank you for saving our son." It was one of the most emotional experiences I had during my time as the Minister of Correctional Services. This is a real-life experience in terms of this facility.

Prior to that we had the Liberal government and the NDP government giving young offenders in this province courses in rock climbing, for example, video games, pool tables; no real discipline in their lives. This school has provided that. It is operated by the private sector, and very effectively. We've seen a dramatic reduction in recidivism rates.

The Liberal Party, both provincially and federally, is a party that supports country club prisons. They support facilities where Karla Homolka can parade around in an evening gown; where cop killers can provide community service and then escape. What kind of message does that send out to police officers across this country, let alone victims? This is the kind of approach, the mindset, of the Liberal Party in Ontario and the Liberal Party of Canada. Canadians do not want that approach to corrections. They want corrections to deal effectively in rehabilitation and in terms of penalties.

Mrs Dombrowsky: I'm very happy that the member made some reference to the police officers and what they think. I believe it was a week ago I had an opportunity to attend a reception in this building that was hosted by the police officers' association of Ontario. I did take that opportunity to speak with some officers about their opinion of this bill. I think that it's important for me, if I'm going to consider it as an elected representative, to have some appreciation of what the law-and-order sector of our province thinks of it.

With respect to drug testing, I asked the police officers what they thought about that particular part of the legislation. In one conversation, the officer indicated, "Well, you know, I think it's not a bad idea." My response was,

"What is it going to do? What is it going to change? What is it going to prove? We already know there are drugs in jail. Do you, as an officer, believe it will be a deterrent to that?" The police officer's response to me was, "No, I don't think it will deter drugs in jail."

Then we went on to another conversation about, would it not be better to bring in legislation or introduce programs where there is a concerted effort to prevent drugs from reaching the inmates? What are we proving when inmates test positive for drugs? We're proving that our prison system is not as secure as it should be. Let's put some resources to making them more secure. If you're talking about public safety, that's an issue for me. But I don't believe random drug testing is going to deter the use of drugs in jails.

2120

Mr O'Toole: It's almost impossible to follow the member for Leeds-Grenville, the honourable Minister for Consumer and Commercial Relations. His passion for doing the right thing is a milestone, actually a benchmark for doing the right thing.

There are four substantive, important aspects to the bill that I think need to be put on the record. The earned remission program hasn't been talked about enough. I think the member from Scarborough East will, in his summary remarks, define once and for all the Liberal position, which will be on both sides of the issue.

If you look at the bill, you'll find there are new responsibilities for the Ontario Parole Board. It's not just about who runs the jails but about local boards and monitoring. For instance, I was looking at this and was impressed to find that earned remission has such things in it as "activities to participate in skilled trades and training." It's re-engaging in society. That's really what's substantively important here. I have to commend the Minister of Correctional Services, the Honourable Rob Sampson, for trying to set a new clear direction in the corrections institutes by saying, "This earned remission program is that you are an important member of society but you have to reconnect with society."

The member from Leeds-Grenville, my minister—in fact I'm his PA. I'm not sucking up here. He was such a strong Solicitor General when he was in that office that he's known far and wide for standing up to be tough on crime and supportive of victims. I can tell you, the members here were well represented by the remarks from the Minister of Consumer and Commercial Relations. We'll be supporting this bill.

The Deputy Speaker: Response?

Mr Gilchrist: Thank you to the comments from the members on both sides. Mr Speaker, you can't say I didn't give the Liberals another chance. They made reference to the fact that I commented on their unwillingness or inability or oversight in failing to recognize four of the five important aspects of this bill.

Responses is the perfect time to point out that I'm wrong, that really you do care about drug testing, or you do care about the earned remission program, or you do care about the change in the Ontario Parole Board and its

mandate, or that you do care about the creation of the local board of monitors. You didn't say it. Either you agree with those sections, in which case you are doing a tremendous disservice to your own voters, your own taxpayers, to not tell them where you stand on that issue—to continue to harp about the one thing in the bill that you seem to have a problem with, albeit on some pretty flaky evidence, is a non-starter. Mathematically, four fifths of this bill you haven't even commented on.

So I look forward to hearing the ongoing debate. I desperately would love to hear the Liberals finally say that they do think drug use in prisons is wrong and we should do everything in our power to stop it, to hear them say that they do think building a bridge to the local community by creating a local board of monitors is a

good thing, to hear them say that they do think that having to earn your way out of prison—earn your way out—one day before the end of your sentence is a good thing. They talk about public safety but they totally avoid those very progressive steps the government has announced that will do just that, that will protect people in our communities. I am living proof of the hazards of early parole—or the incident I had in my kitchen is proof. I corrected myself.

The bottom line is that this is a great bill and it deserves the support of all three parties.

The Deputy Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2126.

CONTENTS

Tuesday 28 November 2000

SECOND READINGS

Corrections Accountability Act, 2000,

Bill 144, Mr Sampson

Mr Bisson 5893, 5903, 5906, 5911

Mr Tilson 5902

Mr Agostino 5902, 5907, 5909

Mr Sampson 5902

Mr Gravelle.. 5902, 5906, 5907, 5912
5915

Mr Tascona 5903, 5907

Mr Dunlop 5906, 5911

Mrs Dombrowsky 5911, 5916

Mr O'Toole 5912, 5916

Mr Gilchrist 5912, 5916

Mr Runciman 5916

Debate deemed adjourned 5917

TABLE DES MATIÈRES

Mardi 28 novembre 2000

DEUXIÈME LECTURE

Loi de 2000 sur la responsabilisation en matière de services

correctionnels, projet de loi 144,

M. Sampson

M. Bisson 5901

Débat présumé ajourné 5917



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of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 29 November 2000

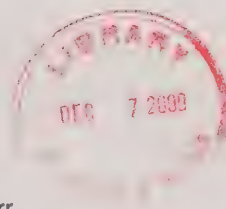
Mercredi 29 novembre 2000

**Speaker
Honourable Gary Carr**

**Président
L'honorable Gary Carr**

**Clerk
Claude L. DesRosiers**

**Greffier
Claude L. DesRosiers**



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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 29 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 29 novembre 2000

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

AFFORDABLE HOUSING

Mr David Caplan (Don Valley East): Affordable housing in Ontario is in a state of crisis. The Harris government's policies—the gutting of rent control, the cancellation of 17,000 housing units and the downloading of responsibility to municipalities—have directly led to the problems we face today, not to mention the outright broken promises. Clearly, it's time for Mike Harris to stop passing the buck and take responsibility to ensure that Ontarians have safe, decent and affordable housing.

In the absence of leadership in Ontario, we are witnessing unprecedented low vacancy rates and, ultimately, a dramatic increase in homelessness. Here in Toronto, the number of homeless individuals has doubled under the watch of Mike Harris. City officials in Toronto who provide emergency shelter for 5,000 people per evening see no relief on the horizon. In fact, they predict the city will see a lot more shantytowns.

But there is a reason to have hope. The federal Liberal government—and I want to congratulate Prime Minister Chrétien on his re-election—has committed to a partnership with provincial governments to create an affordable rental program. This is a cost-shared capital grants program to help stimulate the creation of more affordable rental housing, with the federal government putting up \$700 million.

Ontarians want an end to the affordable housing crisis. I am calling on Mike Harris and Minister Tony Clement to finally live up to their responsibilities. Stop the need-less and destructive finger pointing, pick up the phone and begin a constructive partnership.

FIREFIGHTERS

Mr Frank Mazzilli (London-Fanshawe): I rise today to recognize professional firefighters in our great province. I also wish to welcome the professional firefighters' association to Queen's Park today. Our fire services industry has worked hard to enhance fire safety in this province and to make it one of the safest jurisdictions in North America. Last year, Ontario recorded the fewest

fire deaths in its history, and this year we're on target to reduce that even further.

Fire safety programs and education, along with the hard work and dedication of our firefighters, are making a difference. The difference is the men and women who give us the best full-time service in the world.

At the London fire service awards ceremony on November 10, we recognized contributions from such individuals as Michael Black, Douglas Crowe, Robert Hansen, Scott Jackson and Edward Stronach, who were recognized for their long-standing and distinguished service with the London fire service. Daryl Stephenson, Michael Ollson, David Beecroft, Patrick Darcey, George Smallman, John Griffeth, Douglas Shannon, Thomas Wells, Glen Pearson and William Connolly were recipients of the Governor General's Fire Services Exemplary Service Medal.

Our government is proud of our firefighters, and I ask the House to join me in welcoming them when they come in today.

Mr Dave Levac (Brant): I rise today to speak on behalf of Dalton McGuinty and the Liberal caucus to recognize the professional firefighters who join us in the Legislature today from fire stations around the province. This is a job that places one's life on the line every single day. Firefighters perform their duties, understanding the threat of personal injury, in order to keep our communities and families safe. To them and their families I say, on behalf of Dalton and the Liberal Party, thank you.

This past Sunday, a firefighter was injured in Sudbury responding to a home fire. Earlier this month, a lone firefighter saved two lives in Midland, even under unsafe staffing levels. As legislators, it is our duty to assist firefighters any way we can so that they can do their job professionally and safely.

Firefighters who have made the ultimate sacrifice deserve our recognition and gratitude. That is why months ago I introduced Bill 107, the Firefighters' Memorial Day Act. This act would officially recognize the first Sunday in October as Firefighters' Memorial Day. Firefighters deserve no less. Unfortunately, the government has refused to grant quick passage of this important bill.

As important as Bill 107 is, this House must do more to assist firefighters. Right-to-know legislation, third-party investigations and recognition of occupational diseases are just some of the ways this House could assist these brave men and women. In this way we could demonstrate through our actions, not our words, that we

truly appreciate the work they do to keep all Ontario citizens safe and secure.

PHIL PANELAS

Mr Doug Galt (Northumberland): I rise in the House today to recognize a unique individual, Mr Phil Panelas, of Trenton. Mr Panelas came to Canada in the 1950s, becoming a successful businessman in the home and apartment construction industry. Soon after, he began volunteering for various community organizations.

The most notable of those voluntary efforts was the Trenton Memorial Hospital board. More recently, Mr Panelas led the board of directors in overseeing the reconstruction of Trenton Memorial Hospital. Mr Panelas provided a great deal of time and talent to the construction phase, devoting almost a full year of his personal time to making sure the project was indeed a success. Not only did he help raise funds for the hospital construction, he also volunteered as the primary contact between the building contractor and the hospital board and management. This daily task was done without compensation of any kind.

The recent opening of the new hospital in Trenton was a triumph for the board and marked the beginning of a more modern and efficient service for patients in the east Northumberland and Quinte regions. Mr Panelas deserves a large helping of credit for this, at least in part for his dedication and commitment. On behalf of our community, I extend my thanks and best wishes to Mr Phil Panelas and his family for their wonderful contributions.

RABIES

Mr David Ramsay (Timiskaming-Cochrane): I wish to bring to the attention of the Legislature that there is a very serious outbreak of rabies in the Cochrane area. Fifty-one people are suspected to have been exposed and are now receiving a course of post-exposure injections. There have been 29 identified cases, primarily found in the fox population, which is the main carrier, but it has now spread to household pets and also to cattle.

This area north of Cochrane is a small farming area. There are now six cattle herds under quarantine, with some of these herds as large as 150 animals. There are other homes under quarantine because of dogs that have been infected. This quarantine period can last up to 60 days.

Our office has had tremendous co-operation from local MNR officials in both Cochrane and Timmins. Also, Dr Chris Davies, manager of the ministry's rabies unit, has been most helpful in his briefings about the present situation and the status of the bait-drop program. The bait-drop program is an aerial drop of medicated pellets that, when eaten by an at-risk population of wildlife, suppresses the spread of the disease.

To be effective, it must be employed as soon as there is evidence of rabies in an area, especially when this is occurring near human habitation. Cochrane MNR had

requested that a major bait drop be undertaken earlier this fall, but originally was turned down by the ministry. A small drop did occur as a result of some leftover bait from a southern Ontario program, but this was not enough.

I'm requesting that there be an extensive monitoring of area wildlife next spring. If it appears the fox population is again being infected, it is imperative that the MNR budget provide for an extensive bait drop next August to prevent this type of outbreak from happening again.

OAK RIDGES MORaine

Ms Marilyn Churley (Toronto-Danforth): Bill 71, the NDP's Oak Ridges Moraine Green Planning Act, is a green guarantee that will help restore the damage done to the moraine by Mike Harris and his pro-development agenda. Bill 71 will place an immediate freeze on development on the moraine and will put environmental protection back into the Planning Act, protection that was taken away by the Mike Harris government in 1995.

On June 1, 2000, Bill 71 passed second reading and this House saw fit to refer the bill to the legislative general government committee for public hearings. Five months later, we wait and we wait for that committee to hold public hearings. Why? Because this government does not intend to hold public hearings on Bill 71.

As with my Bill 96, the Safe Drinking Water Act, this government has decided to use cheap political manoeuvres to end public debate on important environmental issues. What are they afraid of? Are they afraid the public will actually say that Bill 71 is good for the moraine, or is it because Mike Harris receives huge political donations from the very developers who want to destroy the Oak Ridges moraine?

It is clear that when it comes to protecting Ontario's environment, Mike Harris and his government are once again letting the people of Ontario down. I urge all those who want to protect the Oak Ridges moraine to phone, e-mail and write to the Premier, demanding public hearings before the House prorogues on December 31.

1340

NORTH SIMCOE VICTIM CRISIS SERVICES

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise this afternoon to compliment a great organization in the city of Orillia, the North Simcoe Victim Crisis Services. Their mission statement reads, "North Simcoe Victim Crisis Services is organized to assist the police and other emergency services in meeting the needs of victims of crime and other tragic circumstances."

I'm pleased to say that partial funding for this organization is provided by the Ministry of the Solicitor General through the victims' justice fund, as well as corporate donors Cantel AT&T and Casino Rama. The organization is a success story because of the huge amount of support they receive from community part-

ners. They have just completed training their fifth class of volunteers, bringing the total to 79 active volunteers.

The volunteers were first allowed to go on calls in late June 1999. Since then they have attended 223 calls. From October 1, 1999, to October 1, 2000, the volunteers had 169 calls and helped 445 people. That's 445 people who have received dignity and respect and who were not left alone at such a traumatic time in their lives.

I thank the Orillia detachment of the Ontario Provincial Police for sharing some of their office space, and I congratulate executive director Pat Hehn, her board of directors and all her volunteers who have worked tirelessly to make this service such an important asset to the citizens of the Orillia area.

WATER QUALITY

Mr Richard Patten (Ottawa Centre): Today the Ottawa Citizen is reporting that Ottawa's chief administrative officer is saying they cannot ensure safe drinking water with the current administrative structure. I would remind the House that the administrative structure for the new city of Ottawa is being organized by the provincially appointed transition board.

As we have unfortunately been reminded this year, there are few municipal responsibilities more important than guaranteeing a safe water supply.

As reported in today's Ottawa Citizen, "In the transition board's plans, there is currently no manager solely responsible for drinking water in the first three levels of the new city's administration." The CAO, Michael Shefflin, wrote to the Premier on November 14, stating that a lack of standards will "guarantee failure." He goes on to say, "There can be no justification for downgrading this, the most essential service in the new city or any city." I could not agree more.

It is incumbent that we, as provincial legislators, take a greater role in putting in place the means by which a safe water supply can be guaranteed in municipalities across this province.

The CAO of the city of Ottawa is asking the Premier and his appointed transition board to do exactly that. I would like to add my voice to his in calling for the government to take some leadership, to restore the funding to the Ministry of the Environment, and to establish the most rigorous standards possible for our water by ensuring that each municipality prioritizes it in their administrative structures.

Most of all, let us avoid future tragedies.

JOHN McMAHON

Mr Brian Coburn (Ottawa-Orléans): I rise today to trumpet the athletic accomplishments of yet another constituent of my riding of Ottawa-Orléans. Orléans native John McMahon is now the World Kickboxing Association champion. The 29-year-old captured gold earlier this month at the international competition in the Czech Republic.

The win was especially fulfilling after making a promise to his father that he would bring home a get-well present. John's dad underwent emergency heart surgery only a week before his son left for Europe.

In preparation for the world tournament, John captured first place at the Pro-Am World Kickboxing Association championships in Orlando, Florida, last month. John was originally involved in tae kwon do. He says he would never have been able to climb the ladder of success if it wasn't for the intense training with his idol, Orléans legend and multiple world kickboxing champion Jean-Yves Thériault.

After joining Thériault, John attended his first world championship two years ago in Denmark. He lost in the first round but rebounded last year and took home a bronze from the world championships in Malta. Now John McMahon is the 2000 world kickboxing champion. He says he will concentrate on coaching and hopes he can give back to the sport that has given him so much.

Congratulations to John McMahon and best wishes.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the 15th report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Ms Marilyn Mushinski (Scarborough Centre): I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

The Speaker (Hon Gary Carr): Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1345 to 1350.

The Speaker: Mrs Mushinski has moved adoption of the report from the standing committee on justice and social policy respecting Bill 128, An Act respecting social housing.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad

Hudak, Tim
Johns, Helen
Johnson, Bert
Kells, Morley

Runciman, Robert W.
Sampson, Rob
Snobelen, John
Spina, Joseph

Clement, Tony
Coburn, Brian
Cunningham, Dianne
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gilchrist, Steve
Gill, Raminder
Hardeman, Ernie
Harris, Michael D.

Klees, Frank
Mariand, Margaret
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Murdoch, Bill
Mushinski, Marilyn
Newman, Dan
O'Toole, John
Ouellette, Jerry J.
Palladini, Al

Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Witmer, Elizabeth
Wood, Bob
Young, David

INTRODUCTION OF BILLS

ONTARIO FIREFIGHTERS' WEEK ACT, 2000

LOI DE 2000 SUR LA SEMAINE DES POMPIERS DE L'ONTARIO

Ms Mushinski moved first reading of the following bill:

Bill 150, An Act to proclaim Ontario Firefighters' Week / Projet de loi 150, Loi proclamant la Semaine des pompiers de l'Ontario.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Ms Marilyn Mushinski (Scarborough Centre): I've introduced this bill, An Act to proclaim Ontario Firefighters' Week, in recognition of the brave men and women who unselfishly risk their lives in order to keep us safe from the perils of fire in our homes, workplaces and communities.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): On a point of order, Mr Speaker: I ask for unanimous consent to pass Ms Mushinski's bill on second and third reading at this time.

The Speaker: We should be clear about how we're going to proceed. You're asking for unanimous consent to proceed to—

Hon Mr Sterling: Second and third reading at this point in time.

The Speaker: Just so we're clear about this, if it does get agreement, what we will do is ask for that; if we do, then I will put the question, just so everybody is clear. We can't just have a motion to pass first, second and third reading. But it can be done.

Is there unanimous consent? Unfortunately, I heard some noes.

Mr Dave Levac (Brant): On a point of order, Mr Speaker: My point of order is one of respect to the firefighters months ago in my Bill 107, An Act to proclaim Firefighters' Memorial Day. I would seek unanimous consent, as asked by the House leader on the government side, to give us forewarning of such activities. They've had this for months now, and this is a forewarning.

Could we seek unanimous consent for the House to pass Bill 107?

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Interjections.

The Speaker: I don't know how everybody can say who's doing it. I stand here right in front of you and I can't tell who's saying no. Everybody just claims each other.

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic
Bartolucci, Rick
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Caplan, David
Churley, Marilyn
Cleary, John C.
Colle, Mike
Cordiano, Joseph
Crozier, Bruce
Curling, Alvin

Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Hampton, Howard
Hoy, Pat
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Lankin, Frances
Levac, David
Marchese, Rosario

Martin, Tony
McGuinty, Dalton
McMeekin, Ted
Parsons, Ernie
Patten, Richard
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Ramsay, David
Ruprecht, Tony
Sergio, Mario

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 46; the nays are 35.

The Speaker: I declare the motion carried. The bill is therefore ordered for third reading.

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr Garfield Dunlop (Simcoe North): I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bills without amendment:

Bill Pr26, An Act respecting the Bank of Nova Scotia Trust Company and National Trust Company.

Bill Pr28, An Act to revive KMFC Holdings Inc.

Bill Pr31, An Act to change the name of The Corporation of the Town of Sioux Lookout to The Corporation of the Municipality of Sioux Lookout.

Bill Pr32, An Act respecting the Canadian National Exhibition Association.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

VISITORS

Mr Frank Mazzilli (London-Fanshawe): On a point of order, Mr Speaker: Through all the bickering, I want to welcome to Queen's Park the Ontario Professional Fire Fighters Association today.

1400

WHAT IS GOOD FOR THE GOOSE
IS GOOD FOR THE GANDER ACT, 2000

LOI DE 2000 AFFIRMANT QUE
CE QUI VAUT POUR LES UNS
VAUT POUR LES AUTRES

Mr McGuinty moved first reading of the following bill:

Bill 151, An Act to provide for mandatory drug treatment for Members of the Provincial Assembly with a substance abuse problem / *Projet de loi 151, Loi prévoyant le traitement obligatoire des députés à l'Assemblée législative de l'Ontario qui consomment des substances psycho-actives.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

The member for a short statement?

Mr Dalton McGuinty (Leader of the Opposition): To quote the Minister of Community and Social Services, "Drug addiction is a serious problem in our community." We could turn our backs and pretend the problem doesn't exist here in this chamber among MPPs, but I'm not prepared to do that. I'm not prepared to leave even one MPP behind.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): On a point of order, Speaker: The purpose of this particular part of our proceedings is to give a brief introduction as to what is the content of the bill. This is a speech, Mr Speaker.

The Speaker: I am fully aware of what it is. The member just got up. There is a little bit of time. I do give members some time. I am sure the leader of the official opposition knows that it's supposed to be a short statement and he will probably keep it very short.

Leader of the official opposition.

Mr McGuinty: As I was saying, I am not prepared to leave even one MPP behind, and I don't believe that the people of Ontario are prepared to write any one of us off.

My bill will require all MPPs to provide regular urine samples for drug testing, and those who refuse to provide samples will of course lose their MPP compensation benefits. My bill is not about saving money. It's all about saving people. My bill will help MPPs who use drugs to take the step from despair to dignity.

In conclusion, we owe nothing less to our MPPs, to their families and to those hard-working taxpayers who pay the freight for all of us.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent, given the cheers from the government side, for second and third reading of the bill.

The Speaker: Is there unanimous consent? I heard some noes.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): On a point of order, Speaker: I want to say to the member opposite that following through on the government's policies is a high form of compliment.

STATEMENTS BY THE MINISTRY
AND RESPONSES

FIREFIGHTERS

Hon David H. Tsubouchi (Solicitor General): Today I rise in the House to welcome the members of the Ontario Professional Fire Fighters Association to Queen's Park. A few moments ago my colleague Marilyn Mushinski introduced a bill to declare a week to help recognize the contributions and bravery of our firefighters. Ontario Firefighters' Week, if passed, will precede the annual firefighters' memorial service traditionally held on the first Sunday in October. At this event we honour Ontario firefighters and remember their selfless courage and commitment, and in some cases their ultimate sacrifice in the line of duty.

Our communities value their firefighters. Throughout the year they hold appreciation and recognition events for their fire services, events such as the long service awards for firefighters.

Nominations from the community also help us pay tribute to firefighters at the annual Ontario Medal for Firefighter Bravery ceremony. On November 9 the Lieutenant Governor and I presented these awards to six firefighters. The fire marshal's public fire safety council also handed out fire safety awards to 18 recipients at a special luncheon this year.

When it comes to fire safety, Ontario is one of the safest jurisdictions in North America. Last year we recorded the lowest fire death rate in our history, and we are working hard to reduce it even further. Fire safety programs and education, and especially the dedication of our firefighters, are making a difference. The commitment of our firefighters means everyone here in the House today, their families and the communities they live in, can rest comfortably knowing that our loved ones, our homes and our property will be protected.

Our government is proud of our professional firefighters, and I ask the House to join me in recognizing them today.

Applause.

The Speaker (Hon Gary Carr): Responses?

Mr Dave Levac (Brant): I rise today to speak on behalf of Dalton McGuinty and the Liberal caucus to recognize the professional firefighters who join us today in the Legislature from fire services across the province. Make no mistake: words speak; actions do. The actions that we take in this Legislature dictate many things in our province and the things we don't do speak badly for us.

We haven't done some things we can do in this Legislature to improve the safety of Ontarians across the province. For example, part IV of the Fire Protection and Prevention Act needs a thorough review—this section and subsections 54(2) and 54(4)—to ensure that the front-line firefighter is not adversely affected by white-shirting. We need to have full use of the fire marshal's office to act in a secure and efficient way to protect the citizens of Ontario. The fire marshal must act in a proactive way and not react to unsafe situations.

We believe in third-party investigation. We need to create a provincial agency within any one of the ministries this government chooses to investigate hazardous work sites and to enforce safety rules for our firefighters across the province. We talked to the Minister of Labour—I personally spoke to the Minister of Labour—and were assured this information is available, but you have to ask. Minister, that's not good enough. We need to have your ministry work in a proactive manner as well. You need to ensure that all the municipalities in our province have that first-hand information to protect our firefighters before they go into a fire. We need to recognize that occupational diseases that afflict our firefighters need to be responded to. They deserve nothing less.

To the firefighters themselves, every day in and out, you sacrifice the possibility of your health and your death. You sacrifice a body, a soul, a commitment, and not only that; you sacrifice your families. They understand. They know that you go to work every day with the possibility of not returning. To these people I say thank you and bless you for the ultimate sacrifice.

That is why months ago I introduced Bill 107, the Firefighters' Memorial Day Act. This act would officially recognize the first Sunday in October as Firefighters' Memorial Day. Firefighters deserve no less. Unfortunately this government no less than three times denied quick passage of this small but important bill.

As important as Bill 107 is, this House must do more to assist firefighters. The right-to-know legislation, third party investigations and recognition of occupational diseases are just some of the ways this House could assist these brave men and women. It is this way, through deeds and action, that we can truly appreciate the work they do to keep all Ontarians safe and secure.

On this side of the House, Bill 64: the member from Essex, Mr Bruce Crozier, introduced an amendment to the Safe Streets Act that would allow firefighters not only safe passage on to the streets to perform their fundraising activities for communities across the province, but it would also allow them to continue to do the good work they do day in and day out on their off-time. They are

committed to their communities. They need to be respected, not only as firefighters but as contributing citizens to their communities.

That is why we must always keep in mind, when legislation passed in this House is done in a way that protect our communities and the professionals that are asked to do so, that it is done with the understanding that these are citizens of Ontario who give day in, day out, and in this case, the fact that they can lose a life impacts on all of us in a detrimental way.

We must pass legislation on a regular basis and review the legislation that exists today to ensure that nothing less than the best possible protection is provided for our professional firefighters.

1410

Mr Peter Kormos (Niagara Centre): I want to say to the Solicitor General, and to his backbencher with the bill, that we'll stand any time, anywhere, to applaud our firefighters, but good God, Solicitor General, firefighter from across the province didn't come to Queen's Park today to be greeted by the warm fuzzies, to be stroke and told what good little firefighters they are across the province. They came here with a very specific agenda with some very serious concerns that are impacting on community safety in cities, big towns, small towns across this province. They wanted those matters addressed.

They didn't come here to listen to first, second and third reading of the announcement of Ontario Firefighters' Week. They came here with some very specific concerns about your Bill 84, concerns that, I tell you, were raised persistently throughout the committee hearings around Bill 84, concerns about the licence Bill 84 gives to designate management, to scoop firefighters out of the collective bargaining unit and toss them, more often than not in rotation, into management levels as means of gutting the collective bargaining unit of professional firefighters across this province.

This government was told about that prospect very clearly by both firefighters and delegations before the committee and by members of that committee during the process of Bill 84 committee hearings. This government denied it was going to happen. I tell you, Solicitor General, it is happening and it will continue to happen until you guys move away from the warm fuzzies, get down to the nitty-gritty and start passing some legislation to amend Bill 84 to ensure that the designated management positions are put under control once and for all.

These firefighters came here today with real concern about the effectiveness of the fire marshal's office, especially after that fire marshal performs audits specifically with respect to the capacity of municipal firefighting services to respond adequately, yes, and safely, to firefighting emergencies, as well as to other emergencies.

You know full well that the biggest single issue there is minimum staffing. You know full well your government promised during the course of the Bill 84 hearing notwithstanding the serious concerns that were raised about the content of Bill 84 in terms of (1) access to the fire marshal's office, (2) effectiveness of the fire ma

shal's audit, and (3) concern about whether or not that audit would have any meaningful impact on the communities that audit resulted from—the fact remains that those audits are being ignored and shelved.

They're not being made public. Neither the press nor members of communities that are being put at risk as a result of understaffed firefighting services are having an opportunity to review those reports and debate them openly.

I tell you, Solicitor General, no more warm fuzzies. What we need are bills in this Legislature that address the issue of reinforcing the role of the fire marshal, (1) so that the fire marshal and his audits can be unilaterally accessed by firefighters or by members of the community, not just by city councils or by the Solicitor General's office, (2) so that the fire marshal's office has adequate resources to conduct those audits, and (3) so that those audits are meaningful in the communities that are audited and told they don't have acceptable levels of staffing and are expected within a reasonable period of time to incorporate those levels of staffing or else firefighters are going to die, firefighters are going to be injured, citizenry are going to be injured and members of the public are going to be put at risk in a very lethal sort of way.

Firefighters are coming here today, and throughout the course of this week, to tell you and your caucus to get rid of your stupid squeegee bill, to get rid of stupid legislation that's had no positive impact whatsoever on pan-handling or on squeegee kids, but has done a great deal to inhibit the incredibly productive role that firefighters across this province engage in when they raise monies for, among other things, muscular dystrophy. Your squeegee bill has reduced the coffers of organizations like muscular dystrophy and a dozen others to the tune of, not just hundreds of thousands of dollars during the course of the year 2000 but millions of dollars.

Firefighters and others like them who are community-minded who want to go out there and support things like muscular dystrophy deserve better. If you really honour Ontario firefighters, as your statement says, if you really remember their selfless courage, as your statement says, if you really want to acknowledge their ultimate sacrifice in the line of duty, don't come into this legislative chamber with fancy words and pats on the head for our firefighters; come in here with meaningful legislative changes so they can do their job safely, so they can do their job effectively, so they have the real respect in the community that these hard-working, courageous, professional women and men deserve.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: I seek unanimous consent to have Bill 6, An Act to protect Children involved in Prostitution, which I introduced on October 26, 1999, and which unanimously received second reading on May 11, 2000, brought immediately to general government for clause-by-clause and that it be enacted into law before the Christmas break.

The Speaker: Do we have unanimous consent? I'm afraid I heard some noes.

ORAL QUESTIONS

NURSING STAFF

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. After you recklessly fired thousands of nurses and after you spent \$400 million on severance for those same nurses, after your actions resulted in Ontario having the fewest nurses per capita in the country, you realized that you had made a terrible mistake and that you had made Ontario desperately short of nurses.

You made a very specific promise just a few weeks before you called the election. You knew this was weighing heavily on the minds of Ontarians. You made a specific promise. You said you were going to hire 12,000 nurses by the end of this year, the year 2000. Where are those nurses?

Hon Michael D. Harris (Premier): First of all, I think the member should be aware of a few things. I have never fired a nurse nor have I ever hired a nurse. I'm not in the business of hiring or firing nurses, nor is this government. We do, however, fund agencies; we fund hospitals. I don't think there's any secret that there were nurses who were let go by hospitals that have since, I think, acknowledged that was a mistake. As a result, the Minister of Health set up a nursing task force and the recommendation of all the parties was that we should have and fund 10,000 new nurses over a three-year period to the end of March 2001. We accepted that recommendation and we further committed that we would provide funding for 12,000 nurses by March 31, 2001. I'm pleased to tell the Legislature today that we have honoured that commitment to fully fund 12,000 nurses here in the province.

Mr McGuinty: The Premier once again reveals his complete disdain and disrespect for those very people who put the care in health care. This is the man who said, when somebody approached him about thousands of nurses being fired in Ontario as a result of his cuts in health care, "Like the Hula Hoop workers, they can find work doing something else." The problem now is that the nurses took the Premier at his word. They have left and they've moved over to other jobs.

To come back to a matter of the record, maybe you should listen to your own Minister of Health who, relying on your specific commitment, your specific promise made prior to the election, the promise so many Ontarians relied on, said in this very House on April 28, 1999, "We are moving forward to ensure that we have the appropriate level of nursing. We're going to have 12,000 nurses by the end of the year 2000." Premier, one more time: you said you would hire 12,000 by the end of this year. Where are they?

Hon Mr Harris: I think you are in receipt of a very specific commitment made by the minister and by myself, which was reinforced in the campaign, that we would provide the funds so that 12,000 nurses could be

hired by the end of this fiscal year. We have done that. I can tell you that at the end of the two-year period, when the last count was done, the ministry had identified some 6,000 nurses through the first two-year period. We are still examining, now, how many have been hired since that period of time into the third year and through to the end of this year. We have provided full funding, as was our commitment to do, and it is our hope, with a worldwide shortage, a Canadian shortage, a North American shortage, that paying the highest wages in Canada we will be able to meet that goal.

1420

Mr McGuinty: Premier, if there was such a shortage, why did you fire thousands of nurses?

Ontario hospitals today are in critical condition because of things that you did to them, and especially because you recklessly fired thousands of nurses and now they won't come back for you. Our hospitals can't provide decent care for our sick. Our hospitals are turning ambulances away. People who are desperately sick or who are suffering from serious injuries are having to wait in our emergency rooms for up to 11 hours before they can get a hospital bed. Surgeries are being cancelled on a daily basis and they are prolonging unnecessary pain, agony and anguish for those who are suffering and their families.

Premier, all of these things are happening on your watch because of what you did to health care, but especially because you recklessly fired thousands of nurses. Will you now admit for the first time that Ontarians today are paying a terrible price for your failures?

Hon Mr Harris: As I indicated in the response to the original question, I have not fired one nurse; neither has the minister; neither has this government. I did acknowledge that during the period from 1993 to 1997, there were a number of nurses who were let go by a number of Ontario institutions: I think the record will show—and the Ontario Nurses' Association confirms—the majority between 1993 and 1995, but some in 1996-97 as well.

When we prepared the Nursing Task Force, to say, "We need to intervene here, we need to take a look at the overall nursing requirements in Ontario," they recommended that in fact we needed 10,000 more nurses over a three-year period. We upped that to 12,000 voluntarily and provided the funding for that, and we are very hopeful, even with the challenges that are there. It is near short of miraculous that we were able to up it in two years by 6,000 nurses, when you consider the demand across the country. We continue to work for the 12,000—

The Speaker (Hon Gary Carr): Order. The Premier's time is up.

ACADEMIC TESTING

Mr Dalton McGuinty (Leader of the Opposition): This question is also to the Premier. For the past six long years, in addition to firing thousands of nurses and breaking promises, you have waged a fairly consistent war with teachers, parents and trustees when it comes to the

delivery of public education in Ontario. You now have complete control over public education. You are the supreme authority.

Given those sweeping powers that you've given to yourself, I think it's fair to say that when we test our students today in Ontario we're really testing the job that you are doing. I can tell you the results are in and you are failing. Over half of all grade 3 and grade 6 students failed to meet the minimum acceptable standards when it comes to reading—the minimum acceptable standards.

Premier, you have been promising us that all of this disruption, all of this turbulence and all of this turmoil was going to be done for the sake of our children. What does it say about your government when after six years more than half of our children can't read at minimum acceptable standards?

Hon Michael D. Harris (Premier): Let me acknowledge that since we took office we have waged a significant war against mediocrity. We have waged war against accepting mediocrity in an education system that demands excellence, that demands the best, and our children are entitled, particularly in Ontario, to receive nothing less than quality and excellence and the very best.

One of the tools to do this, in addition to increasing funding to the classroom and setting new curriculum, was to bring in testing so we could measure, something you and your caucus opposed. The teacher unions didn't want testing. Therefore Dalton McGuinty didn't want testing. You have no licence to come and talk about testing that we insisted take place so we could measure the success of students, of teachers, of schools and of the system. We are very proud to have brought that in over your objections.

Mr McGuinty: Premier, you promised us that all of this infighting and bickering and constant war waging was going to result in some kind of improvement in the results from our students, from our children. After six years of your government, we learn that our students, our children, who are now the product of the Mike Harris public education system—half of our kids can't read at an acceptable level, and the writing scores are no better: 48% of grade 3 students and 52% of grade 6 students can't write properly. After six years of Mike Harris as the supreme authority over public education, half of our students, half of our kids in Ontario can't read and write properly.

Premier, how do you expect our province to succeed in the future if our children, under the Mike Harris public education system, aren't learning how to read and aren't learning how to write?

Hon Mr Harris: We on this side of the House make no apologies for setting much higher standards than existed in Ontario under your administration or the NDP administration. We make no apologies for that, none whatsoever.

We make no apologies for, over your objections, bringing in independent testing that would allow us to measure this, both internally and externally. We make no

apologies that we have seen substantial improvement in the test results since we started testing, both vis-à-vis other jurisdictions and here in Ontario. We make no apologies that testing has allowed a number of boards to make outstanding—

Interjection.

The Speaker (Hon Gary Carr): Would the Premier take his seat. The member for Windsor West, come to order, please. Final supplementary.

Mr McGuinty: Premier, I can see why you want to avoid the topic. I can see why you don't want to talk about the results that you got on your test scores. You're like a child who comes home and hides his report card from his mother. You got a failing grade, Premier. Half of our kids can't read and write.

Interjection.

The Speaker: The Minister of Education, come to order. I'm not going to warn her again. We can't have this shouting out while the member is asking a question.

The leader of the official opposition. Sorry for the interruption.

Mr McGuinty: Speaker, it would be nice if the Minister of Education devoted some of the energy and enthusiasm she puts into heckling into reviving public education in Ontario.

Premier, let's take our grade 3 children. Let's take those students. They are fully the product of the Mike Harris public education system. These kids are yours lock, stock and barrel. They've grown up in the schools under your public education regime, and they can't read and they can't write. That's your responsibility.

There is only one way you can begin to recoup some of your losses; there is only one way we can begin to move forward when it comes to public education in Ontario: you've got to stop waging war with teachers and trustees and parents. On behalf of all those students whom you are failing so badly, I am asking you to put the weapons down, to act like an adult, to bring people together and start to restore some sense of decency and sanity to public education.

Hon Mr Harris: Let's be clear. The record shows that you have been on the side of the union bosses in every situation, against parents, against children, against quality, and for mediocrity. That's whose side you have been on, example after example. Now you want to talk about testing. What do the test results show?

Interjections.

The Speaker: Would the Premier take his seat. The member for Windsor-St Clair, come to order, please. It applies to both sides. When other members are answering questions or asking questions, we can't have shouting across to them. A little bit of noise is fine, but this shouting constantly at them is not going to be tolerated. Sorry, Premier.

Hon Mr Harris: What do the test results show? The test results show modest improvement. Enough improvement? Clearly not, because we have set the bar for excellence so much higher than the mediocrity you accepted.

Now you talk about teacher testing. Here's what you said about testing. You said, "Teacher testing does little to improve the quality of education." That's because the union bosses said, "We're opposed." You said you'd repeal Bill 160, the fair funding formula, because the teacher bosses and the unions wanted it repealed. You supported raising education property taxes by 5% to 10% because the union bosses said we should tax homeowners more. You support principals and vice-principals back into the bargaining unit because the teacher union bosses said you should do it.

The Speaker: Order. The Premier's time is up.

1430

PROPERTY TAXATION

Mr Howard Hampton (Kenora-Rainy River): I'm glad the Premier is finally prepared to think about the impact upon homeowners, especially the property taxes of homeowners, because I want to ask you about Bill 140 again and the fact that as you download services on the municipalities, Bill 140 is going to force all the cost of that on to the homeowners through their property taxes.

Bill 140 essentially shields commercial operations, industrial operations from property tax increases and puts it all on the homeowner. It's a home invasion, Premier, and if you're really concerned about the property taxes of homeowners, you'll grant some public hearings. So how about it, Premier? Will you allow public hearings of Bill 140 so that hard-working taxpayers who own homes across the province will be able to find out what you're doing to them and have a say? Will you do it?

Hon Michael D. Harris (Premier): I want to honestly say I am surprised, with your record on taxation, particularly property taxation, that you continue throwing out these lollipops here in question period, ignoring the real issues of the day.

The real issues are, are you a taxing government or are you a tax-cutting government? So let's talk about property taxes, which for example in Toronto have been frozen for the last three years, which have been less than the rate of inflation on average all across the province during our mandate in office.

What happened in education property taxes over the 10-year period of which five years were yours and you supported the Liberals in their five? Enrolment went up 16%; education property taxes went up 120% during that period. During our mandate, education property taxes have gone down. They've gone down or have been frozen every year and they continue to go down, both for homeowners and for the commercial and industrial side of taxes. That's your record and that's our record.

Mr Hampton: Premier, Bill 140 is not about education property taxes. Bill 140 is all about who's going to bear the cost of your downloading of ambulance services, your downloading of social housing, your downloading of hundreds of other services.

It's clear when you read the bill that you're going to shield your business friends and you're going to shield

your industrial friends and you're going to stick it all on the homeowner. It's clear, no matter whether you live in Kenora or Fort Frances or Toronto or Hamilton or Sudbury or London.

Premier, what's your reason for time-allocating this legislation, for not allowing any amendments, for not allowing any hearings and for limiting debate altogether? If you're not afraid to let the taxpayers out there see this bill, hold public hearings. Let us see what's going on.

Hon Mr Harris: This specific bill extends protection. It extends protection for business, it extends protection for commercial taxpayers and it extends protection and tools for protection to municipalities for residential homeowners. I don't know why you are opposed to protecting taxpayers from the kinds of increases that happened when you were in government.

Interjections.

Hon Mr Harris: I hear the Liberals interjecting. There were massive increases under the Liberals as well.

I am happy to compare our record with your record. I'm even happier to compare it with the Liberal record not just on provincial taxes but on property taxes. It was out of control under both your administrations. It is now less than the rate of inflation, and I see nothing that will cause that to change as long as we keep electing tax-fighting Progressive Conservative governments right here at Queen's Park.

Mr Hampton: Premier, if you want to defend your record, send the bill out to public hearings so you can go out there and repeat your rhetoric and people will find out just how much they're going to be hit by property tax increases.

The auditor acknowledges that the cost of downloading ambulances is going to be \$100 million a year on an overall basis for municipalities. We know that the cost of repairing and maintaining seniors' housing and social housing in the province, as you download it, is going to be over \$40 million a year for municipalities. Those are the added costs for municipalities. Your Bill 140 says none of that can go on industry. No, no, you want to protect your friends who own the paper mills and the sawmills. You're saying none of it can go on commercial operations. It's all going to go on the homeowner.

Premier, they are only public hearings. What are you afraid of? Why are you so afraid to hold public hearings on your property tax bill?

Hon Mr Harris: As always, I'm not afraid to hold public hearings on our tax record versus your tax record. I did it in 1999, I did it in 1999 and I'll be happy to do it again in 2003.

The net result of fixing the assessment system that you foolishly allowed to get further out of whack than the Liberals, which they had foolishly allowed to get further out of whack, which foolishly the Progressive Conservative government in the late 1970s and 1980s allowed to get out of whack—that compounding had to be fixed. The auditor acknowledges that.

The auditor also acknowledges that while municipalities have been asked to pick up \$100 million in costs

here and \$50 million in costs there, they also got \$2.5 billion worth of tax room to do so. They also acknowledge that these trades not only weren't revenue-neutral, but they were to the advantage of municipalities, which is why we have had tax decreases or freezes at the municipal level of a type that was unheard of—

The Speaker (Hon Gary Carr): Order. New question.

NURSING STAFF

Mr Howard Hampton (Kenora-Rainy River): My second question is also for the Premier, and never have I seen the Premier so afraid of public hearings on a tax bill.

Premier, I want to ask you about the phantom nurses you have created in Ontario, because it's clear you haven't created the 12,000 new nursing positions you refer to in your press releases. In fact, it's clear you haven't even created 6,000 new nursing positions. When we talk to nurses, they tell us that when the College of Nurses statistics come out in February, they doubt there will be even 2,000 new nursing positions.

The problem with your phantom nurses is they can't ensure that your elderly mother is receiving the proper medication. The problem with phantom nurses is they can't take care of sick children in the hospital. Premier show us where the nurses are, or are you really satisfied with the phantom nurses that come out of your press releases?

Hon Michael D. Harris (Premier): I think the record is very clear that we have provided funding for 12,000 new nursing positions. That goal and that target have been set out and targeted for the end of this year. We have acknowledged this is a huge challenge, but we've never shied away from accepting huge challenges whether it be quality in education or having record hiring of nurses exceeding all of the rest of Canada. We don't shy away from those challenges. We provided the funding for that.

I'm surprised you raise the question since the fact show that most nursing positions that hospitals eliminated occurred between 1993 and 1995. I'm a little shocked you have the gall to ask the question. Nonetheless, I think some nursing positions disappeared in 1996 and 1997 as well, before we intervened, before we said, "Enough is enough," and before we brought forward a nursing task force. We have now reversed—

The Speaker (Hon Gary Carr): The Premier's time is up. Final supplementary, the member for Beeches-East York.

Ms Frances Lankin (Beaches-East York): Premier the bottom line is that you can't even tell this House today that the number 6,000 is accurate. Let me tell you why. In the estimates committee we asked your health minister whether she could tell us how many new nurse had been hired in this province. She couldn't. The chief nursing officer of the province couldn't. In fact, she told us that they hadn't been able to track how many positions had been created by those nursing dollars, that they were

trying to but they wouldn't have any idea until the middle of December at the earliest.

With respect to the number of 6,000 that you've stood here today and defended and used and said you have created in this province, she said you were estimating that you had been able to create that many positions, yet the College of Nurses' numbers show that every year since 1995, every year right up until 1999, there have been fewer nurses in Ontario.

Premier, will you tell us, can you in fact defend that you have created 6,000 new nursing positions in this province or is that just another spin doctor's myth?

1440

Hon Mr Harris: What I confirm for you is this: I think when the nurses' association and the hospital association and the task force members, including the OMA, that were set up to bring forward the recommendations, asked us to fund 10,000 new nursing positions, we responded by funding 12,000 new nursing positions. We have flowed those funds and made them available. That target was to be met by March 31 of this year. That was our target; that was our goal.

The minister and I have acknowledged—I think the other provinces have acknowledged—that we have not been able to fully fulfill our complement yet. We estimate about 6,000 after the first two years. We will be able to give you that number once March 31 comes. I can tell you this: we are hiring every nurse we can. We committed to providing the funding and we have done that.

AMBULANCE SERVICE

Mr James J. Bradley (St Catharines): I have a question for the Minister of Health. I was reading through the recent edition of the auditor's report, page 165, where it talks about ambulance dispatch services. I note that there are problems across the province, but we have a specific problem in Niagara. We have an ambulance dispatch service which is located in Hamilton. We have ambulances that are going to the wrong places. Sometimes they're delayed. Sometimes whole communities are not even covered by an ambulance dispatch service we have there. As a result, the health of people is placed in jeopardy and there's a fear that deaths could occur because ambulances are not going to arrive on time. This chaos has existed for some time. Your ministry is aware of it. People in the local area believe we need an independent audit.

I'm going to ask you for this commitment today: will you order an independent audit of the central ambulance communication centre for Niagara and will you order that audit immediately today?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I'm very pleased the member opposite has taken a look at the auditor's report and understands what is contained therein, because we take the recommendations of the auditor very seriously. As I have indicated on another occasion, we are moving forward to ensure that the recommendations of the auditor are implemented. We certainly would share your concern.

Mr Bradley: I'm going to move outside the purview of the auditor's report. It talks about the situation in many places in the province. I'm specifically zeroing in on the regional municipality of Niagara and the surrounding area, where we have a genuine problem with ambulance service. I've had people call me about this on many occasions at my constituency office. Certainly paramedics are expressing genuine concern about it. They need an immediate response to this problem.

When there are complaints, they either don't get a response to the complaint or the response takes a long period of time, or the complaint is responded to in a very minimal fashion. I mentioned that the paramedics are concerned, and the general public is concerned, medical people are concerned, the hospitals are concerned that we've got a chaotic situation existing, that people could die, that people's health could be hurt irreparably as a result of the time it's taking and wrong dispatching.

Will you today give an undertaking to have an immediate, independent audit of the dispatch service for Niagara?

Hon Mrs Witmer: I do thank the member for his question. I think the member needs to know that every complaint that is received regarding ambulance services is very carefully reviewed by the Ministry of Health and Long-Term Care officials. Emergency health services has a very special investigation and regulatory compliance service which investigates all complaints received regarding ambulance services in Ontario. It is responsible for the enforcement of the regulation under the Ambulance Act and it is monitoring the quality of the ambulance service delivery. Again, I would say to the member opposite, we take the recommendations of the auditor seriously and we are moving forward to ensure the implementation.

ONTARIO'S PROMISE

Mr Ted Arnott (Waterloo-Wellington): My question is for the minister responsible for children. Earlier this month I was honoured to join the minister, the Premier and General Colin Powell to support the launch of Ontario's Promise, a bold initiative that will form partnerships for a better future for Ontario's children.

Having volunteered in the past as a Big Brother in my riding, I was thrilled to learn that Ontario is challenging individuals, groups and governments to make mentoring a priority for children who need positive role models. My question to the minister is this: will the minister inform the House how Ontario's Promise will benefit Ontario's youth?

Hon Margaret Marland (Minister without Portfolio [Children]): I'd like to thank my friend the member for Waterloo-Wellington for this question. Premier Harris has shown strong leadership and he has created a plan to secure an even brighter future for Ontario's children and youth through Ontario's Promise. This call to action will help bring parents, communities, business, not-for-profit groups and governments together to fulfill five important

promises to Ontario's children and youth, which are a healthy start; an ongoing positive relationship with a caring adult; a safe place that offers positive meaningful activities outside the home; marketable skills through effective education; an opportunity to give back to the community.

I believe we must all work together to fulfill these five promises to help our children to reach their full potential.

Mr Arnott: I want to thank my friend the minister for that answer and I hope that all members of this House will fully support this effort to achieve the goals she has described for us today.

Ontario has come a long way in recent years in providing a better head start for Ontario's children through programs such as the Healthy Babies, Healthy Children program, which screens some 140,000 infants a year.

Ontario's Promise is another way in which the province can bring people together, along with their ingenuity and resources, to help young people find the best within themselves and lead fulfilling lives. Would the minister elaborate on how well the support is coming in for this initiative in terms of who the partners are and how much is being invested?

Hon Mrs Marland: Ontario's Promise truly is a catalyst, a coordinator and a champion to create new opportunities, partnerships and initiatives for our children and youth.

I am very excited that we have already seen tremendous interest in and support of Ontario's Promise. Approximately \$22 million has already been donated by private sector partners who want to work together to help us fulfill our five promises to Ontario's children and youth. I would personally like to thank donors McDonald's Canada, the Royal Bank of Canada, Bell Canada, Howard Johnson, the TD Bank Financial Group, the Canadian Imperial Bank of Commerce and Scotiabank for their generosity and for helping us to get this important initiative underway. By working together we will provide Ontario's young people with the attention and resources—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up.

1450

LONG-TERM CARE

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Health and it concerns hospital services in eastern Ontario. Minister, this week's Renfrew Mercury has a headline, "Surgery Delays in Ottawa Hospitals Devastating for Renfrew Patients." Monday's Ottawa Citizen has a headline, "Clogged Hospitals to Refuse More Ambulances."

Minister, there is, by any objective standard, a real and growing problem for patients who need timely access to operating theatres at the Ottawa Hospital not getting it.

I know this problem has been around and I, perhaps better than most, appreciate the history of this, but from talking to patients, their doctors and hospital adminis-

trators, particularly in the rural communities of the Upper Ottawa Valley, I can tell you the situation is bad and getting worse.

One of the specific requests that has been made of me and I believe of you—but let me make it on behalf of patients today—is, will you license or fund some additional alternate-level-of-care beds for Ottawa so that those alternate-level-of-care patients who are taking up we are told, something like 13% to 15% of the medical surgical beds in the Ottawa Hospital can be placed elsewhere and so the 75-year-old patient from Pembroke, Eganville, Perth or Hawkesbury who has been waiting for weeks and months to get that surgery in the Ottawa Hospital can do so? Are you prepared to give that undertaking to the needy patients of eastern Ontario today or at some early point?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): We're well aware of the situation in Ottawa. In fact, when I met with the CEO and chair of the board not too long ago when I was in Ottawa, certainly this situation was presented. I indicated at that time there was funding available to open up alternative long-term-care beds for patients who were occupying acute beds. We did commit that we would work together in order to find locations where those ALC beds could be put in place immediately.

Mr Conway: I just want to stress in a supplementary the urgency of this. Talking today to officials in Ottawa I'm told they are very concerned, as they head into the flu season, into the holiday season, that the situation has reached a critical point.

Today I received a letter from a doctor in my constituency who has told me that because of the current situation in Ottawa, he's being told to refer to Toronto or Montreal patients who would normally go to Ottawa. This is unprecedented, and there's more and more of it. I am hearing from far too many patients and doctors in my constituency and I know if I'm hearing it, my colleagues in Lanark, Leeds, Prescott and Russell and SD and G are also hearing it.

We need to act now. Can you give me and, more importantly, the patients and the health care providers in eastern Ontario a more specific timetable as to when you will act and when additional alternate-level-of-care beds will be in place so that this increasing and almost unbearable pressure on the medical surgical beds in the Ottawa Hospital will be relieved? More precisely, Minister, when do you expect to announce some additional alternate-level-of-care beds for the Ottawa area?

Hon Mrs Witmer: Again, we need to remember that we had a gap of 10 years where there were no long-term care beds awarded in the province, between 1988 and 1998. We are now in the process of constructing 20,000 beds, which will all be open by the year 2004. If we take a look at Ottawa-Carleton, 1,102 beds have been awarded to date and 210 are planned for the final stage.

I should also indicate to you that we have been working with the Ottawa community to find interim long-term-care beds. We have found over 140 already. As

say, the funding is available and we will continue to work with the community to find more. We recognize the pressure and want to resolve it with the local community.

FIRE PROTECTION SERVICES

Mr John O'Toole (Durham): It's my privilege today to ask a question of the Solicitor General. I know every party has shown respect to the Ontario professional firefighters, and certainly I'll be meeting later with Tim Calhoun and Jeff Nester from my riding of Durham. All of us have been familiarized with the issues. They've been printed in the recent issue of the newsletter from the firefighters' association. There are important issues facing the firefighters of Ontario. Specifically, I'm just reading from their recent distribution here: "... then legislation must require that each municipality has an obligation to disclose, to all citizens, the nature of the fire and emergency response level that is being provided in that community...."

Minister, if you could explain, not just to my constituents but to all of the people of Ontario, what steps you are taking while working with the fire marshal's office.

Hon David H. Tsubouchi (Solicitor General): I thank the member from Durham for the question. Last week I met with the members of the Ontario Professional Fire Fighters Association executive and we discussed a number of issues, this being one of them.

Currently under the legislation, if there is some sort of a serious threat to public safety, there is a process they go through to resolve it and make sure that somehow it's resolved. But if I could put this in a context by looking at the police adequacy standards, we have standards now across the province that ensure the safety and a level of standard of policing right across this province. It doesn't matter where you live.

Similarly, I believe it's important for people in this province to have standards of fire safety and fire protection right across this province. It doesn't matter where you live. To that end, as a result of our discussion last week, I've asked the ministry to work on a review in terms of the fire sector to see what we can actually do to address the concern. I believe, at the end of the day, it doesn't matter if you live in Paris, Ontario or the city of Toronto; all citizens across the province deserve to have a level of safety, including, of course, the safety of the firefighters as well.

Mr O'Toole: Thank you very much for that response, Minister.

The member from Scarborough Centre today personally proposed a recognition piece of legislation for firefighters, and I know that each one of us on all sides of the House is trying to not just raise the issues but also to educate. If I look at, for instance, the legislation that was passed in 1997, it was the Fire Protection and Prevention Act, and I know, Minister, in the briefings that you have given us that there are a lot of important initiatives that you've undertaken to enhance the level of service, but

also the awareness and safety aspects of fire prevention and fire safety in our communities.

Perhaps today you could tell the members who haven't been paying attention some of the important initiatives that you've taken under your charge.

Hon Mr Tsubouchi: First, I'd like to give credit to my predecessor, Bob Runciman, who brought in legislation that, for the very first time, required municipalities to provide fire prevention and public fire safety education. Fire prevention is very important.

This was clearly evidenced just a few weeks ago at the public safety awards, where a number of people received these awards for public safety, including the York region fire prevention officers, who have always taken initiative but also showcased something called escape routes. That of course also translated into a number of children who saved their families as a result of this fire education.

Firefighters have an extremely important role, and I believe that when we start talking to our young people through our firefighters, with the service they provide, we'll continue to make sure that people are safe, their families will be safe, but also young people can educate the adults in making sure they are safe as well.

WATER QUALITY

Ms Marilyn Churley (Toronto-Danforth): To the Premier: I'd like to ask you about your refusal to respond to the concerns of the people of Walkerton when warned of the potential for serious problems back in 1998. At that time the chief administrative officer of the town of Walkerton wrote directly to you, expressing concern at the province's abandonment of its role as the guardian of municipal water systems and at the downloading of responsibilities to the municipalities.

The letter noted that poor testing had been found in at least 23 municipalities in southwestern Ontario, creating potential for serious illness. Yet the town of Walkerton says they never received a reply from you or the Minister of the Environment or anybody else in the province government. It was plain to the people on the ground that your agenda of cutbacks to the Ministry of the Environment and downloading responsibility to municipalities was creating the conditions for a crisis.

Premier, I ask you, why did you ignore the warning from Walkerton?

Hon Michael D. Harris (Premier): Contrary to the information you're sharing with the House today, I did respond very specifically by a letter acknowledging their concerns. The ministry has certainly taken into account their concerns and, as you know, we have several reviews underway to look at the restructuring of the whole Ministry of the Environment. In addition, we have an inquiry underway to determine what happened in Walkerton and why it happened, with a view to making sure it never happens again. But the specific question is, why didn't I respond? The simple answer is, of course I responded. I responded by letter. I'm sure they'd be happy to share that with you.

1500

Ms Churley: Premier, I suggest that you table that letter with the Legislature today, and I suggest that you read the transcript from yesterday. By the way, all the public can now view those transcripts, thanks to the issue being raised by the NDP.

Jim Bolden, the mayor of Walkerton at the time, says his main concern with the ministry pulling out from the water testing service was that the chain for sharing information had been broken. He said that if a bad water test comes back from the private lab to a manager, if the manager decides not to share the information in that sampling package, doesn't advise the MOE or the health unit until we have a real problem, no one would even know the sample had come back.

Premier, as you know, it turns out that's what happened. Seven people died and 2,300 became ill as a result. The warnings from Walkerton came more than two years ago. The tragedy occurred six months ago. You still have not re-established the provincial water testing labs. Premier, are you waiting for more people to die before you will open up the provincial water testing labs?

Hon Mr Harris: The suggestion is actually so non-sensical it borders on being silly. The letter from July 3, 1998, was specifically to respond to the mayor's letter and council's resolutions regarding the realignment of provincial-municipal services. I don't know if I can table it. It is a letter to the chief administrative officer, who forwarded me the letter, so I did, of course, respond to their resolution and their letter.

Secondly, it is clear that we all have lessons to learn here. We have put in place the wherewithal and the inquiries to make sure we get the answers to what occurred, to make sure we learn from those lessons and make sure we can restore the integrity of Ontario's water system to the very highest quality that we possibly can.

FIRE PROTECTION SERVICES

Mr Dave Levac (Brant): My question is for the Solicitor General. I find it rather interesting that the member for Durham asks a question that provides you with an opportunity to tell us exactly what your plans are to be proactive, and still you stall.

I want to bring to the minister's attention that since 1997 firefighters across the province have been voicing concerns to you, the fire marshal's office and to the general public that downloading, amalgamation and local municipal decisions have jeopardized public safety when it comes to fire services. Since 1997 you, along with the fire marshal's office, have taken a hands-off approach to fire protection services, especially concerning reduction of operations by municipalities forced to do so because of you government's downloading.

Minister, once and for all, do you believe that your office and the office of the fire marshal should be proactive in the safety of the public when it comes to minimum standards of staffing, or do you intend to continue

your wait-and-see approach after staff reductions have taken place?

Hon David H. Tsubouchi (Solicitor General): I'd once again like to thank the member for Durham for first bringing this up. Too bad you're a little bit too late on this.

First of all, let's put things in context. As a result of number of changes in responsibility, and certainly the concern of this government, there's absolutely no reason for, for example, property taxpayers to be concerned about anything. Obviously we've made it easier by taking education taxes out. As I said before, I spoke earlier on, last week, with the executive of the Ontario firefighters' association. They were concerned, I was concerned and, frankly, so are all the members of my caucus. We all want to make sure that people across this province are duly protected. That's one of the reasons why we're going to review exactly what is happening in the fire services. For years, unfortunately, going back over the time the Liberals were in power and certainly the NDP, fire services were not looked at in the same—

The Speaker (Hon Gary Carr): Order. The Solicitor General's time is up.

Mr Levac: I find it rather interesting that the minister stands in his place and says that last week it was brought to his attention and he's going to think about it. In 1997 the then critic, Mr David Ramsay, brought it to your attention, when the bill was first introduced. So you've had since 1997 to deal with this issue. The Fire Protection and Prevention Act, in section 3, clearly outlines the power and the duties of the fire marshal with respect to the municipalities' provision of fire protection services. There is not one sentence in this entire section eliminating the opportunity of the fire marshal's office to perform its duty in a proactive manner. Why would you not want to see a reorganization of a municipal fire protection service plan before it is implemented?

Therefore, I ask you a simple question. For the safety of all of our citizens, will you commit to ensuring that municipalities submit fire protection service plans to the fire marshal's office so that they can do a complete audit before they implement the plan?

Hon Mr Tsubouchi: Unfortunately, the fact of the matter is that one of the reasons why we have a number of different approaches across this province is because municipal fire services traditionally have always been handled a little bit differently in every municipality. There's a certain amount of responsibility that each municipality has to have, and is required to have, by the way, to ensure public safety within their own community. There is a process, if in fact public safety is threatened, to be followed, and in fact it can be remedied. But that's not good enough.

By the way, since I was made Solicitor General about a year ago, I've had an open-door policy. In fact, I've agreed to meet with all organizations, including associations, from time to time to make sure we address these issues.

One of the reasons why we need to address this is that we need to ensure that people across the province, despite decisions made at the local level by municipalities, are somehow protected, that you have fire protection and it's reasonable and you're safe in your own communities.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Marcel Beaubien (Lambton-Kent-Middlesex):

My question is for the minister responsible for community and social services. As you are aware, Minister, many families in southwestern Ontario are experiencing difficulties or having major concerns with family members who have developmental disabilities. One of the issues that keeps coming up is the syndrome of the aging parent. As you are aware, some of these parents are finding it increasingly difficult to look after their sons and daughters. Can you tell my constituents what your ministry is doing in order to help some of these families with their concerns or problems?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): This government has made providing supports to people with developmental disabilities a genuine priority. Over the last four years, we've increased spending on helping people with developmental disabilities and their families, going from \$839 million in 1996-97 to more than \$965 million in the estimates this year. That includes \$24 million to provide more residential supports to people with developmental disabilities. The priority in that area has been designated to aging families, people who have built community living, who have made community living a reality in our province, people who have provided care for their loved ones for 30, 40 and 50 years. We certainly recognize that we can do more, and we're looking at additional opportunities to provide more support to these, our most vulnerable citizens.

Mr Beaubien: Recently you met with representatives from Lambton and Chatham-Kent, and we thank you for meeting with these people concerning this issue. As I'm aware, you had discussions with you staff and the representatives from Lambton and Chatham-Kent. What is your ministry willing to do in the future when a similar situation arises?

1510

Hon Mr Baird: We have been consulting with stakeholders around the province, with people with developmental disabilities and their families, with advocates, with workers in this sector, with agencies, to look at what additional opportunities we can provide.

Later this month we are going to be able to begin receiving applications under the foundations initiative designed to help 21-year-olds leaving the school system and provide additional supports with that. Through the consultations we've been having, we've been able to learn a lot to help identify what additional support can be provided for families, and for individuals with developmental disabilities. Wherever we've gone across the

province, we've heard from advocates about the need to address aging parents. The member opposite has been a big advocate in that area. With him, we've also met with the Wallaceburg and Sydenham District Association for Community Living and their executive director, David Katzman, and with the Lambton County Association for the Mentally Handicapped and their executive director, Don Seymour.

We're going to continue to work. This issue is a genuine priority. I don't think it's too much to ask for an aging parent to have—

The Speaker (Hon Gary Carr): The minister's time is up.

PROPERTY TAXATION

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): My question is for the Minister of Municipal Affairs and Housing. Yesterday we debated the time allocation motion on Bill 140, An Act to amend the Assessment Act. This is the eighth property tax bill in three years. Not only that; this bill was tabled only two days after the municipal elections to make sure your government would avoid any criticism.

In my riding, we are already above the industrial-commercial transition ratio of the province. This means that some municipalities will have no choice but to raise residential taxes to meet all the obligations of your downloading. My resident taxpayers cannot afford any tax increase. Even yesterday the Premier said the taxpayers should not be faced with any tax increases. Therefore, if the Premier says taxpayers should not be faced with tax increases, will your government extend the CRF, the community reinvestment fund, to the municipalities to ensure they can continue providing the necessary services to their local taxpayers?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I thank the honourable member for the question. It allows me an opportunity to tell this House that more CRF funding has been announced for this year and special transition assistance funding has been announced for those municipalities that have transitional issues with respect to municipal restructuring.

All of these are policies of the government of Ontario designed to help municipalities deliver better, safer, more efficient services at less cost to the taxpayer. That is a common thread through our government legislation that we share with the municipalities. We are serious about it. CRF funding is undergoing a complete review by my colleague the Minister of Finance to ensure that CRF funding is available in the future in a way that will assist municipalities that genuinely need some assistance as a result of the realignment of services or as a result of special conditions that exist in that municipality.

Mr Lalonde: Minister, I didn't hear yes or no. I don't know where the level playing field is. Your government has set the tax rate for business education property tax. This tax is more than 50% higher than the residential tax. Can you tell me why businesses in Glengarry, Prescott

and Russell having the same assessment value as those in richer areas are paying up to four times more for their education tax? This is unfair.

Let me give you an example. Why is it that in the finance minister's riding, Parry Sound, a business is paying \$4,700 a year, and in Oshawa it's \$10,500 a year. And this always with the same assessment value of \$500,000. In Prescott and Russell it's over \$15,000 a year, in Glengarry over \$17,000 a year and in Cornwall over \$21,000 a year. And that always with the same assessment.

Minister, your government has set the tax rate. Is it fair? I thought your government was supposed to help the poorer communities. Tell me what your plans are to rectify this unfair situation. What do you plan to do to help the businesses in Glengarry, Prescott and Russell?

Hon Mr Clement: Let me be as direct as I can if he felt I was not direct enough in the first part of the question. The answers are: yes, this government is concerned that past governments did not relieve the inequity inherent in the education tax system; yes, this government is concerned and acted on the inequity many homeowners faced as the result of a system of assessment that was not fair and even throughout Ontario; yes, we acted to make the tax assessment system more accurate, more fair and more equitable across this province; yes, we are concerned when municipalities don't have the resources necessary to deal with some of the uneven aspects of the local services restructuring; yes, we acted to ensure that fairness was guaranteed throughout Ontario when it comes to—

The Speaker (Hon Gary Carr): Order. New question.

SPORTS AND RECREATION FUNDING

Mrs Julia Munro (York North): My question is for the Minister of Citizenship, Culture and Recreation. Earlier this week the major newspapers in Toronto carried reports that obesity in Canadian children has doubled, putting our children's health at risk. The media quoted a study stating that obesity rates of children between the ages of 7 and 13 have more than doubled over a 15-year period. From 1981 to 1996, the percentage of obese boys rose from 5% to 13.5%. For girls, the percentage rose from 5% to 11%. Lack of exercise and a poor diet is the cause of the increased levels of obesity. These factors are proven risks for heart disease and stroke, among other things.

In light of the fact that news reports suggest the Liberals have cut ParticipAction's budget over the past few years, I'm asking you, as the minister responsible for recreation, what are you doing about this?

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I'd like to thank the member for the question. I can see the Speaker smiling because he, like myself, is a hockey parent. We try really hard to keep our young boys active so that this doesn't happen to them.

Let me first say that we are providing leadership in the province to make sure that more and more children are active in sports. We think it is important to do that. In the February 2000 budget, we provided an endowment fund for Ontario's youth and recreation. That \$5 million was matched by community foundations across the province. They support projects all across the province for children and youth to become involved in recreational activity.

We were also concerned that some children couldn't afford to get involved in sports, so in the budget we received a program called the community sport opportunity fund. It is \$6 million over three years to make sure that, for children who haven't got the financial wherewithal, money can be matched and they can then get the dollars to get involved in opportunities in sports. It is our goal to make sure we increase the activity rate in the province from 38% to 41% within the next two years.

PETITIONS

FIRE PROTECTION SERVICES

Mr Rick Bartolucci (Sudbury): My constituents in Sudbury are very concerned about firefighting services and about our firefighters such as Chris Stokes, the president of the association; Marc Leduc, the vice-president; and Mike Ouellette, who are in the gallery today.

It's a petition to the Legislative Assembly of Ontario.

"Whereas the Fire Protection and Prevention Act, otherwise known as Bill 84, threatens public and firefighter safety by altering the definition of a full-time firefighter so as to allow municipalities to hire part-time firefighters; and

"Whereas part-time firefighters do not have sufficient training and expertise to fill the role of full-time firefighters; and

"Whereas we believe the fire marshal should perform more audits to ensure that municipalities are meeting minimum standards of fire service; and

"Whereas firefighters must often respond to blazes that involve dangerous and hazardous materials; and

"Whereas the Canadian Centre for Occupational Health and Safety does not have adequate enforcement powers needed to protect Ontario workers, including firefighters, using hazardous materials; and

"Whereas we believe that in order to make hazardous work sites safer, the government of Ontario must take a lead on this issue;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to support the efforts of the Ontario Professional Fire Fighters Association as they lobby the Mike Harris government to take immediate action in implementing their recommendations so that public and firefighter safety is never compromised again."

Of course, I affix my signature to this petition as I am in complete agreement with it.

1520

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): I have a petition regarding this government's ongoing discrimination against northern cancer patients. It reads as follows:

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

I agree with the petitioners, I have affixed my signature to it, and I'd like to thank Gerry Loughheed Jr for all of his efforts in this regard.

PROTECTION OF MINORS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposures to sexually explicit materials;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I'm pleased to affix my signature to this petition.

SAFE STREETS LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): To the Legislative Assembly of Ontario:

"Whereas charities such as the Muscular Dystrophy Association of Canada, the Goodfellows, the Canadian Cystic Fibrosis Foundation, firefighters and many others participate in fundraisers on streets, sidewalks and parking lots; and

"Whereas the Safe Streets Act, 1999, effectively bans these types of activities, putting police forces in the position of ignoring the law or hindering legitimate charities; and

"Whereas charitable organizations are dependant on these fundraisers to raise much-needed money and awareness;

"We, the undersigned, petition the Legislative Assembly as follows:

"We ask the Ontario government to amend provincial legislation by passing Bill 64 (the Safe Streets Amendment Act, 2000) to allow charitable organizations to conduct fundraising campaigns on roadways, sidewalks and parking lots."

I'm in full agreement and have affixed my signature to this petition.

The Acting Speaker (Mr Bert Johnson): Further petitions. The Chair recognizes the member for Barrie-Simcoe-Bradford and the Holland Marsh.

DIABETES TREATMENT

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thank you for mentioning the Holland Marsh, part of my riding.

This is a petition to the Legislative Assembly of Ontario. It says:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We are suggesting that all diabetic supplies as prescribed by an endocrinologist be covered under the Ontario health insurance plan.

"Diabetes costs Canadian taxpayers a bundle. It is the leading cause of hospitalization in Canada. Some people with diabetes simply cannot afford the ongoing expense of managing diabetes. They cut corners to save money. They rip test strips in half, cut down on the number of times they test their blood, and even reuse lancets and needles. These budget-saving measures can often have disastrous health care consequences;

"Persons with diabetes need and deserve financial assistance to cope with the escalating cost of managing diabetes. We think it is in all Ontarians' and the government's best interest to support diabetics with the supplies that each individual needs to obtain the best glucose control possible. As you all know, good control reduces or eliminates kidney failure by 50%, blindness by 76%, nerve damage by 60%, cardiac disease by 35% and even amputations. Just think of how many dollars can be saved by the Ministry of Health if diabetics had a chance to gain optimum glucose control."

It's signed by hundreds and hundreds of petitioners, and I affix my signature to it.

EDUCATION FUNDING

Mr Tony Ruprecht (Davenport): I have a petition here in regard to education funding and it's addressed to the Legislative Assembly of Ontario.

"Whereas the Ontario government wants to take an additional \$1 billion out of the education system this year and every year; and

"Whereas the Ontario government has decided to hire uncertified teachers in kindergarten, libraries, for guidance, physical education, the arts and technology; and

"Whereas the Ontario government wishes to remove the right to negotiate working conditions; and

"Whereas the Ontario government would remove at least 10,000 teachers from classrooms across the province; and

"Whereas the Ontario government has become the sole decision-maker on class size, preparation time and the length of the school year and the school day; and

"Whereas the Ontario government proposes to take decision-making powers out of the hands of locally elected community-minded trustees,

"We, the undersigned Ontario residents, strongly urge the government to repeal the education bill and create an accessible public consultative process for students, parents, teachers and school board administrators to study alternative solutions that have universal appeal and will lead to an improved educational system."

Since I agree wholeheartedly, I'm delighted to affix my signature to this petition.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): Mr Speaker, for a moment there I thought it was petition apartheid, but now I am up on my feet and reading into the record.

I have a petition here from a Mr R. Atkinson, and also a Mr Don Samos, and he's from Thedford, Ontario.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage auto enthusiasts are unable to register their vehicles using the original year-of-manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked" tirelessly "together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or amend the Highway Traffic Act to allow year of manufacture plates to be used on vintage automobiles."

I'm pleased to sign and endorse this on behalf of hundreds of Ontario car enthusiasts.

PRIVATE UNIVERSITIES

Mrs Sandra Pupatello (Windsor West): I'm very pleased to read this petition on behalf of Laurel Seybold and a number of students from the University of Windsor concerning Bill 132.

"Whereas the Ontario government has introduced Bill 132, which will allow private universities in this province;

"Whereas the \$25,000 to \$40,000 per year tuition fees charged by private universities will unfairly limit access to a small number of privileged students;

"Whereas private universities will take away faculty from public universities, many of whom are already understaffed due to government funding cuts;

"Whereas education is a right and should be accessible to all qualified students regardless of their financial status;

"We, the undersigned, petition the Legislative Assembly of Ontario to withdraw Bill 132 and instead focus on improving Ontario's existing public university system."

I'm happy to affix my signature to this.

PROTECTION OF MINORS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): This is a petition to the Legislative Assembly of Ontario.

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually"—it's quite a tongue-twister—"explicit material;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I am in total agreement with that, and I'll sign my name.

1530

FIRE PROTECTION SERVICES

Mr John Gerretsen (Kingston and the Islands): This is a petition in tribute and support of the Ontario Professional Fire Fighters Association, such as Fred LeBlanc, Bob Belzile and Kevin Welsh, who are here visiting us today from Kingston. It reads as follows:

"Whereas the Fire Protection and Prevention Act, otherwise known as Bill 84, threatens public and firefighter safety by altering the definition of a 'full-time' firefighter so as to allow municipalities to hire part-time firefighters; and

"Whereas part-time firefighters do not have sufficient training and expertise to fill the role of full-time firefighters; and

"Whereas we believe the fire marshal should perform more audits to ensure that municipalities are meeting minimum standards of fire service; and

"Whereas firefighters must often respond to blazes that involve dangerous and hazardous materials; and

"Whereas the Canadian Centre for Occupational Health and Safety does not have adequate enforcement powers needed to protect Ontario's workers, including firefighters, using hazardous materials; and

"Whereas we believe that in order to make hazardous work sites safer, the government of Ontario must take a lead on this issue;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to support the efforts of the Ontario Professional Fire Fighters Association as they lobby the government to take immediate action in implementing their recommendations so that the public and firefighter safety is never compromised."

I agree with this petition. I've signed it and present it to the House at this time.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): Mr Speaker, with your indulgence, I think for the first time in the history of Ontario there is a new format of petition that I am about to read into the record. This petition was given to me through the mail by people from, in this case, Marmora, Ontario. Darrell Henry and Judith Henry sent this to me and I'm going to read it into the record.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to allow vintage auto enthusiasts to use year of manufacturing plates."

I am pleased to read these, sign them and endorse them on this important day in Ontario.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): "Whereas Mike Harris promised an Ontarians with Disabilities Act during the 1995 election and renewed that commitment in 1997 but has yet to make good on that promise; and

"Whereas the Harris government has not committed to holding open consultations with the various stakeholders and individuals on the ODA; and

"Whereas ... the minister responsible for persons with disabilities will not commit to the 11 principles outlined by the ODA committee; and

"Whereas the vast majority of Ontario citizens believe there should be an ODA to remove the barriers facing the 1.5 million persons with disabilities;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass a strong and effective Ontarians with Disabilities Act that would remove the barriers facing the 1.5 million persons with disabilities in the province of Ontario."

I'm in full agreement and have affixed my signature to this petition.

OPPOSITION DAY

EMPLOYMENT STANDARDS

Mr David Christopherson (Hamilton West): I move that, in the opinion of this House, the government should stop its attacks on the hard-won achievements of working Ontarians, and instead amend the Employment Standards Act to include the following steps toward creating family-friendly workplaces:

—an increase in the minimum wage to \$7.50 per hour;

—a reduction of the standard workweek, after which overtime premiums apply, from 44 to 40 hours and the right to refuse overtime in excess of the new standard workweek;

—one full year of combined pregnancy and parental leave, with full job protection during the leave period;

—10 unpaid days of family responsibility leave for all employees;

—pro-rated benefits for part-time workers; and

That this House demands that the government rebuild the Ministry of Labour's enforcement capacity by hiring new officers to fill all the employment standards positions that have been cut since 1995; and

That this House calls on the government to consult the people of Ontario on further measures designed to help working Ontarians achieve a better balance between work and family responsibilities.

The Acting Speaker (Mr Bert Johnson): Mr Christopherson moves opposition day number 4.

Mr Christopherson: Let me say that I'm very proud to introduce this motion on behalf of my caucus. Let me

also say that, given the fact the government is using the words that they care about family and they care about workers, we decided to bring in some suggested changes that actually achieve that, particularly since we all know that the Employment Standards Act changes this government has brought in, and so far intends to ram through this Legislature with absolutely no public comment whatsoever, do not achieve that; in fact, they do the opposite. The measures contained in their new bill will have a detrimental effect on the ability of people, particularly those who work at minimum wage and don't have benefit of the protection of a collective agreement, to have the kind of life this government purports to want to govern for on behalf of everyone.

We're very much of a mind that if we, as legislators, care about families—and we recognize that no matter how much Premier Harris holds his breath, closes his eyes and stamps his feet, he can't make this the 1950s again and that Ward and June Cleaver do not represent the overwhelming majority of families. This government talks about change. Well, guess what? Work and families and the dynamics around families and the communities that families are in have all changed. Modern-day families are facing incredible pressures, not only to meet the financial needs of modern-day living but also the social demands and the expanded family demands.

How many families right now are facing the struggle of dealing with elderly parents who need time, love and attention? Often they need financial assistance. At the same time, the people who are providing that love, care and assistance are also caring for and raising a young family. What on earth, in forcing someone to work 60 hours a week or denying them overtime money that they would receive now, is in some way supportive of families that are in that situation?

This government says you want people to become more involved, you want them to spend more time volunteering in the community. Guess what? Working people, regardless of their income, want to do that. They want to be involved in their children's lives. They want to be involved in the life of their community. They want to be involved in the world that goes on around them. To do that, they need laws that reflect their rights with regard to making those choices. No one should have to choose between spending time with their child or keeping their job when they've already worked 50 hours a week. That's wrong. That's detrimental. That's harmful to family.

Let me also just throw in that it's becoming in this modern day, in Mike Harris's Ontario, that the only way anybody receives any increase in their standard of living is by a few measly bucks being cut in taxes, which nine times out of 10 they pay for elsewhere through user fees or services that are lost and the property tax increases—of course this government has a bill in the House that will provide for individual homeowners to bear the entire share of any increased property taxes as a result of downloading.

1540

The other way that people are encouraged to improve their quality of life in terms of their financial income is by working more hours. That's in part what this is all about too: allow people to be forced to work more hours and at the end of the day they may feel that somehow they're gaining a bit because they may have made a little bit more money. But we're arguing today that the price is paid at the family level.

We've got this huge economic boom, profits have never been higher, but you're not suggesting that anyone gets to share in any of that increased productivity, increased efficiency or share in those profits. No. You're suggesting the way that people benefit from the heated economy is by working more hours, and being forced to work more hours in many cases. Then you're denying them overtime rates that they are otherwise entitled to under the current law. Wrong, wrong, wrong. It hurts families and it hurts communities, and at the end of the day it also hurts local economies because you're denying access to money to the very people in our communities who spend it right in the community. They don't put it off into a mutual fund. Any increase someone who makes minimum wage receives goes right back into that community.

So we have a number of proposals, and it's the bare minimum. This is the starting point for us. First of all, increase the minimum wage to \$7.50. Why \$7.50? That brings us on par with the United States. People are shocked when I and my NDP colleagues tell them that the United States minimum wage is higher than in Ontario. That shocks people because most of us were raised with it being the other way around. This government argues that this is no time to bring in an increase in the minimum wage because they don't want to dampen the economic boom, the economic activity that we now have. Yet the originators of the boom, the United States—because it's their economy that's dragging ours upwards. It's nothing magical this government is doing; it's a North American phenomenon actually, because it's the biggest, longest boom we've ever seen.

They've increased the minimum wage in the United States. They didn't buy the argument that it dampens any kind of economic activity. They've increased the minimum wage not once but twice since 1995, and in one of the most recent US presidential state of the union addresses, the President of the United States called for a third increase—in the time that Mike Harris has frozen the wages of about 300,000 people, the working poor. Why are you refusing them? Why did you give billions of dollars away in tax cuts to corporations and high-income people and deny people who work for the minimum wage an increase? There's nothing in this bill, not a penny, nothing. You've got all this surplus money, an incredible economy, and the working poor get nothing? I want to hear members of the government backbenches defend and justify how it is that in this time of plenty you don't even have a few pennies to give to the working poor.

We want to take another issue. Most people think that we have a 40-hour workweek here in Ontario. We don't. The law is 44 hours as the standard workweek, after which you get overtime rates. We're saying two things: first of all, let's make it the 40 hours that everybody thinks it is. Remember, a lot of this, I would suggest to members of the government, is money and leisure time that we were all promised. Remember 10, 20, 30 or 40 years ago when new technology came in—it was "automation" then—and that was going to create all this leisure time? Work, slowly but surely, would be done away with and we would all benefit and have a chance to grow spiritually, culturally. We would all find out what it was that gave us fulfilment in life outside of work, and the real question for us in the new millennium was going to be, "How shall I spend my new time?" It didn't happen. People are working longer and harder than they ever have and are more stressed out than they've ever been, and those are the ones who are making decent bucks. If you're making minimum wage, you're not sharing in that either, because you're working all these hours. And that's not enough: you want them to work even more hours.

All we're saying is, let's go to 40 hours—that's what everybody thinks is in the law anyway—and have it very simple: the standard workweek in the province of Ontario is 40 hours. If you agree, totally voluntarily, after 40 hours to work overtime, you get a minimum of time and a half. That's what the United States has, and guess what? The United States has had that as a law since 1938. The federal government has that as the federal labour code law, as do five other provinces. Why won't we do it here in Ontario?

Please, do not tell us today in this House that any reason for saying no to these recommendations, to these new laws, is because you don't want to dampen the economic activity, because, number one, it doesn't wash—we're well behind the United States and there are other provinces in Canada that have taken these steps—and secondly, if we don't do it during the boom times, it will never happen in the tough times. You can't have it both ways. You can't say, "We won't increase the minimum wage or bring in decent labour laws during the boom times because we don't want to dampen the boom," and "We can't bring them in during difficult and recessionary times because we don't have the means to do it and this is not the time we need the stimulation." You cannot have it both ways, which is the way you have it right now for 300,000 people who work at minimum wage.

I don't think this is really that radical at all, by any stretch. In fact, in some European countries they've moved to a 35-hour workweek. We can afford it. It's something that should be a law that we're proud of, and it's another reason to hope that in the future we'll maintain the status by the United Nations as the best place in the world to live.

I'll just touch on a couple more and then my colleagues, in rotation, will also speak to these and the other

measures we're mentioning as our minimum starting point for real changes to make the workplace family-friendly and to have labour laws that reflect modern life.

The 10 unpaid days off for family crisis is a good idea, no question, but we do think it's wrong to leave in place this 50-employee threshold. If we're dealing with what an individual goes through when their child is sick and should be taken to the doctor or, worse, rushed to the hospital, it shouldn't matter whether you work in a place of 500 employees or five employees if you want the assurance that when you take your sick child to the hospital you're not putting your job on the line, because that's what this is about. We in the NDP do not understand how you can legitimately, morally and ethically differentiate these rights based on where you work.

The other thing on that one is, do you know what? If somebody's got a sick child and they've got to go to the hospital, they're going to the hospital. They're going to go anyway, and we ought not allow a law in Ontario that would suggest, even hint, that they should do anything otherwise, and in this case it's because they may be putting their job on the line. That's not acceptable.

Again, let me point out this is not something radically wild-eyed. There are already two provinces, British Columbia and Quebec, that have this. They have unpaid family crisis time. There's no threshold, and that's the way it ought to be in Ontario. That is recognizing family as a priority, and that is putting laws in place that promote being a part of and taking care of a family in the way that, ideally, we would all like to see.

1550

Last is the issue of pro-rating part-time benefits. There are now twice as many people working part-time today as there were in the mid-1970s, not because it's a desirable form of employment, although it is for some, but increasingly—especially for young people—it's because they have no other alternative. There are no other options. That's all they're being offered.

If we want to talk about a family-friendly workplace, then why should someone who has no other alternative but to work part-time or contract work not be entitled to the family-friendly benefits of health and drug plans? Or the comfort that families need from life insurance? What about dental plans? Most of those things we take for granted. Certainly in workplaces that have the benefit of a collective agreement that's pretty standard. Why should someone who works part-time be denied that?

We're saying it ought to be pro-rated. Does that mean that somebody who works two or three days a week should get the full-blown dental plan that somebody who works full-time receives? No, we're not asking for something that's unfair or unreasonable. What we're saying is, if you work two or three days a week, then you ought to get two or three days worth of benefits in addition to the pay you're receiving. That's friendly to families, that's supportive of families, and when we support individual families, we support communities, and when we support communities, of course we support our province.

In closing my remarks, let me again emphasize that this is such a time of plenty and a land of plenty, these are very, very modest. Now, compared to where this government's going, you could argue that they're radical. One of the countries right now that's looking at extending the amount of hours that you can make someone work without paying them overtime is Russia. Most everywhere else is either already better than us or moving to it, and well beyond us. This is an opportunity for us to say everybody in Ontario matters, that if you are the working poor, you're just as important as that corporate CEO who got a \$15,000 or \$20,000 windfall because of the tax changes you made. This is to ensure that regardless of what kind of place you work in, if you've got a sick family member—but it doesn't have to be a child, it could be our mother. I talked earlier about how many of us are caring for parents and children. You shouldn't have to give one nanosecond's time of thinking to whether or not you should do this if you need to be there with someone who's counting on you. You shouldn't have to worry about your job being on the line just because of the size of the place you work in.

Everybody thinks we have a 40-hour workweek. Let's make it so. That might even encourage some employers to hire people. How can that be a bad thing? Then lastly, if there are people who have to work part-time, why can't they receive pro-rated benefits based on the amount of time they're working? Why should they be shut out from being able to provide their children with basic dental care when somebody who's working full-time can? Not in this land of plenty, not during this time of plenty. We in the NDP believe these are modest first steps but they're important first steps. This is the direction the government ought to be going in if they really cared about families and really wanted to create family-friendly workplaces.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It's a pleasure to stand in the House today and talk about this resolution. As we've debated several of the labour bills coming forward in the last few weeks, it has become very clear that the best thing that has happened in the Ontario workplace is the election of the Conservative government. There are many initiatives that we have brought forward which are actually benefiting the worker. There's no point having great, big contracts and high wages and stuff unless the workers are working. With the Mike Harris initiative of cutting taxes, cutting employment red tape, and hopefully convincing the federal government to reduce some of these EI-type taxes they have—and they are creating \$6 billion worth of surplus—we're hoping that Ontario workers will benefit.

As you would have seen in the last few years of statistics, it has been proven and it has been stated that the best place to live, work and raise our families is Ontario. Ontario is growing. It has the best economic growth in the G7 countries. More and more people are working today than ever before. In fact, in the last five years we have met our targets, which many economists said could not be met; many economists said it's voodoo economics. We have met our targets, our commitment of a minimum

of 725,000 net new jobs, and we have actually been able to create 785,000 net new jobs.

Some 550,000 people are off welfare. They come home, they're very happy and they say, "Family, guess what? I got the job." Those are four beautiful, magic words. Everybody wants to work and we are providing workers that opportunity, which they didn't have prior to 1995. They didn't have it under the 10 lost years.

I'm going to be speaking directly to this resolution, unlike the opposition sometimes; they go off on a tangent. I'm going to talk about the minimum wage, because that's one of the things that Mr Christopherson brought forward. He's saying we should increase the minimum wage to \$7.50 per hour. Let me state that Ontario's minimum wage is not the highest in Canada but it is among the top three. The general minimum wage, for the people at home who may not know exactly what it is, is \$6.85 per hour; for students it's \$6.40 per hour. British Columbia has the highest minimum wage among all Canadian provinces at \$7.15. Does that make all the workers happy? No, because the unemployment rate in BC is so high. I'm not sure what the reasons are, but this could be one of the reasons.

Interjections.

Mr Gill: Again, I don't mean to profess. Ontario ranks third at \$6.85.

During the NDP regime, from 1990 to 1995, the minimum wage went from \$5 to \$6.85, a 37% increase, while the economy struggled. You know what happened to the economy. The NDP was going to spend their way out of the recession. That is not how you boost the economy. You boost the economy by cutting taxes, by making Ontario workplaces conducive to improved employment, by retaining the industry that we already have and by cutting taxes, bringing in more industry.

Small business, and the hospitality-tourism industry in particular, have expressed great concerns about the high level of Ontario's minimum wage. They want to be competitive, they want to bring in the conventions and they want to bring in much more employment to Ontario. The minister's decision to freeze is going to help that industry for sure.

1600

One of the things the resolution says is that we should have a 40-hour workweek. Currently on the books we have a 48-hour workweek. Under the Employment Standards Act which we just brought out, we're going to bring in a law which is going to technically have a 60-hour workweek. The opposition has been saying the sky is falling and we're going to be slave drivers and people are going to be so upset. If the opposition has been listening, the only reason we brought that forward is that in previous times, including our own time and the NDP time and I'm sure the Liberal time, there had been 18,000 permits issued each year to allow the deviation. That comes to literally 90 permits a day. That's red tape. Everybody said that we are going to be allowing that work; nobody denied that. Why then have the red tape?

We are saying employees would still receive overtime after 44 hours, and time off instead of overtime pay. We're giving the workers more flexibility: time off instead of overtime pay for employees, if their employers agree, to suit their business and personal needs. Many people do not always want overtime pay. They would rather have, to tend to their family matters, time off. Therefore, we're giving them that flexibility, and for the first time ever, new minimum universal daily and weekly rest periods. We're going to instill in the legislation mandatory rest periods: 11 consecutive hours per day; 24 hours in every seven days or 48 hours in every 14 days.

I'm going to speak to the pregnancy and parental leave. As you would have seen, recently the Premier launched Ontario's Challenge. We're paying attention to early childhood; we're paying attention to the Mustard and McCain report. We want to make sure that children at the early level are looked after and we want to make sure that, in line with the federal government, the pregnancy leave is extended and we'll be protecting people's jobs. One says, "Will the employee be getting exactly the same job?" In today's fluid economy, sometimes the employee comes back after the 50 weeks of maternity leave or parental leave and that job may not be there. What we're guaranteeing is the same wage and comparable employment, and we want to make sure.

It happened in my own case. When my youngest daughter was born, my wife did take a year off, and she was very happy to do that. Unfortunately, she didn't have job security per se, but she decided that for the benefit of young children it is important. We are extending that benefit to the employees: more flexible pregnancy leave provisions.

Currently the law states it must start no earlier than 17 weeks before the due date. The proposed legislation in the Employment Standards Act would propose an option to allow leave to start at the time of a live birth, even if more than 17 weeks before the due date. That is taking into account some of the medical implications, medical complications that one could have.

Family responsibility leave: it's very important, and I agree partially with the resolution. We are allowing in the Employment Standards Act places of work where there are more than 50 employees to have 10 days of emergency leave. It is important to note we are moving ahead in the correct direction. Should we extend it all the way? I don't know. Maybe we should. But it's something we have to look at gradually. At least we're moving in the right direction. The NDP had a government for five years, the Liberals had a government before that, and we have the government now. At least we are addressing the issue. I agree with Mr Christopherson that people do need some emergency leave, otherwise they might have a planned sickness day. What we are saying is that we are going to instill in the law that they should have that emergency leave up to 10 days. So we are actually going ahead with some of these great initiatives. It's already in the bill. I'm not sure what this resolution's going to do any further for the betterment of the Ontario workers.

I am going to be sharing my time, Mr Speaker, in the rotation with some of my colleagues, very honourable members, Mr John O'Toole, the member for Durham, the member for Ottawa-Orléans and the member for Northumberland.

One of the things that came up—this discussion has been going on for the last day or so—was that we've cut the inspectors. That is not the case. The minister was very clear yesterday that we've got the same number of inspectors. What we are doing instead is that we are giving these inspectors much more power. Instead of having any kind of dispute going to arbitration and sitting in the courts for years and years, we are giving the inspectors the authority to work with the employee and the employer and have a quick resolution so that everybody can benefit.

The fines could range up to \$50,000 in the most serious offences, and I think that's going to be an incentive to make sure that there's no heavy-handedness on the part of employers.

This Employment Standards Act is going to work hand-in-hand and make sure the workers and the employers can look after themselves, look after their own affairs, rather than the government coming in and meddling in the affairs of those people.

I want to assure the people at home that when you say we have 48 hours and it may go to 60 hours, the agreement to work extra is going to be strictly between the worker and the employer. I want to assure everybody that the government will have the measures, if employers are being heavy-handed, to make sure that is not the case. I want to assure the House and I want to assure the member opposite of that.

People say, what is the Mike Harris government doing for workers? What is the Mike Harris government doing for the homeless? What are you doing for poverty? The best thing that happened is the election of the Mike Harris government, is the 785,000 net new jobs. I saw, like I said before—I might be repeating myself—a bumper sticker: "I fight poverty. I go to work."

Mr Tony Martin (Sault Ste Marie): I just want to put a few thoughts on the record this afternoon on this very important issue. As you know, the government across the way has taken the position that to put this province on a path of prosperity and improve its economic prospects, you have to attack people, you have to attack unions, you have to attack teachers, you have to attack anybody out there who might in any way be perceived by this government to be getting in the way of the free market having its way, those multinational corporations out there who actually in many instances, if they're allowed to operate the way they at the core of their being want to operate, are pariahs on communities and on jurisdictions such as Ontario.

The legislation we have before us in the House these days dealing with the Employment Standards Act is nothing more than another example of this government's anti-union, anti-labour, anti-worker, anti-family agenda. The Harris government is attacking families and the

hard-won achievements of working people through its new Employment Standards Act, attacking no institution any more directly and in a damaging way probably than the family itself, the backbone, the foundation upon which our society is built.

The government's version of flexibility means being forced to work wildly varying shifts, just by way of an example, without any overtime pay in weeks with long hours. For example, you could work four weeks with 25, 55, 35 and 60 hours and not get a cent of overtime pay for any of it. This is not the kind of flexibility working parents need to balance work and family responsibilities. It will make the work-family balance more difficult to attain.

Juxtapose that with the resolution we have in front of the House today which talks about family-friendly initiatives in the workplace. Our proposals, put forward by the member from Hamilton West and by our caucus, recognize the stress that working families face today. Many parents want more involvement in their children's lives, not less. Our proposals are based on fair treatment, better morale for workers and respect for the balance between family and work, and that leads to a more productive workforce over the long run.

1610

The Conservative workplace agenda of longer hours and less pay breeds employee overload, burnout and family dysfunction and does not speak well to the sustainability of our economy and the lives we've all come to appreciate in this province, driven by governments of various ilk over a long period of time.

Just by way of juxtaposing what's happening in Ontario with other jurisdictions across the world, many of you will know that I've been looking at the Ireland experience over the last number of months and years and how that economy has taken off. You would think to listen to some of the multinationals out there that want other jurisdictions to follow suit that it's only about a more competitive tax structure. Well, it's not only about that. As a matter of fact, there are some other really interesting and very important initiatives happening over there that I just want to very quickly touch on today.

I was fortunate when I was over there to speak to some people who have been involved in what the Irish are calling a national development plan strategy, which brings to the table all of the relevant partners or players in the economic and social life of that country. This country that is leading the world in so many ways where the economy is concerned, where so many of the indicators are speaking, has taken a very different tack than the government we have here in Ontario today, which chooses to attack the partners, to challenge the partners, to demonize the partners, to belittle those partners who have participated over such a long period of time in very constructive and positive ways in the development of what we have here today, which is the envy of many jurisdictions across this world.

In Ireland the government sees that its role is to lead, to be a strong presence in the lives of people and com-

munities. It brings together, by way of negotiation, government, employers, trade unions, farmers, the community and the voluntary sector to sit down and work out plans that will serve the whole community as this economy continues to take hold and as this government and those people try to make sure it's sustainable and working in the best interests of everybody involved.

When you look at the national development plan they've put out, which is called a program for prosperity and fairness, it's interesting that there is a piece here that speaks directly to the issue we're putting on the table here today, which is a reflection on and a commitment to child care and family-friendly policies. Just one piece of that, in the overview, is "to further national fiscal and social policy measures, to reconcile work and family life, including family-friendly policies in employment."

If we look at it in a bit more depth, we will see that what they're saying is, "The development of appropriate measures to assist in reconciling work and family life is important to underpinning economic, social and equality objectives."

They go on to say that family-friendly policies not only help the employee but they help, in the long run, the employer, "in the retention of skilled and experienced staff, reduction of absenteeism, improved productivity, a more highly motivated workforce and an enhanced corporate image." It improves the lot of the employee by "providing an opportunity to better balance their working and family lives, greater equality of opportunity between men and women and a fairer sharing of family responsibilities between men and women."

I just put that out there for everybody's consideration today as we look at this resolution we've tabled and as we look at the legislation under the guise of improving employment standards in this province that this government has tabled in this House over the last week.

Mr John O'Toole (Durham): I know it's a real pleasure for me to follow the member from Bramalea-Gore-Malton-Springdale and to respond to the third party's opposition day number 4. For the record, I just want to make sure that the people watching are clear about what we're actually discussing here this afternoon.

I respect that Mr Christopherson, the member for Hamilton West, has a very clearly defined position. You've got to start, in a debate, respecting the person's right and privilege to have a position and then to defend it articulately, as he does. I want that to be on the record as a statement. He does that better than most in this particular issue area.

In many respects, I'm not as qualified as he is to speak from the perspective of a person who was ever a member of the labour movement in the sense that I was a card-carrying member. I did work with people in General Motors—

Mr Christopherson: You mean you never worked?

Mr O'Toole: No, no, I worked with people, and I feel that when working with people, my role was to be fair and reasonable and to listen to people. In some cases, I'll admit there needs to be protection for vulnerable people.

I think in a lot of ways the Employment Standards Act serves as a good place to make sure that we have appropriate standards and protections in the workplace; not just the safety ones—I think those are a given, hopefully, that we all take safety in the workplace extremely seriously—but I think rights, respect and responsibility in the workplace are important.

The workplace, as we all know—we use these words—has changed. I can use the quotes the same as anyone else here, and I suppose the minister himself has probably used them, but we live in a new e-commerce world. We live in a world where it's a seven-day-a-week, 24-hour-a-day operation. The most important thing, in my view, is that there are processes in place to protect workers' rights and to respect the rights of the employer and the employee—a balance. Whenever that balance gets out of place, it's like any market condition: if there's not enough supply, the price goes up; if there is too much supply, the price goes down. We need to make sure there is balance in the workplace for people.

A fundamental in all this is that it's important to have opportunities for people to work. There's the point where we may begin to disagree, perhaps from perspective. I think what this government has often been accused of is perhaps removing some of the red tape and the barriers. We use those terms as loosely as others use terms like "draconian" etc, but quite honestly, I think we're still trying to find an unintrusive balance in the workplace.

I'm talking for the most part about ununionized workplaces. That's where my biggest concern really is. I think employment standards and the enforcement portion of employment standards is absolutely something we should be accountable to.

Where there is a union, as in the case where I worked at General Motors, the CAW—and I'll say respectfully that they provide a useful purpose.

Mr Christopherson: Fearful, then.

Mr O'Toole: Well, it's not fearful. I'd say it's a corporate world, and in the corporate world it's very big and very powerful, but it's only as powerful as the shareholders' ability to support their policies of quality and accountability and the rest of it. The shareholders pretty soon get queasy if there isn't any profit.

I think the union leadership is quite comfortable with the word "profit," because without profit there are no investors; and without investors, there is no capital; and without capital, you can't adapt to the economy and there are no jobs. That may be an oversimplification of economics 101, but by the same token, you've got to have happy, satisfied and fulfilled workers who have safe places to work and an appropriate income.

Mr Christopherson: That's a picnic.

Mr O'Toole: No, it's not a picnic; it's difficult. I say, in the places I'm familiar with, there is that balance of good-paying jobs—in fact, they're skilled jobs—but there is also a tremendous amount of pressure. Every time they get a wage increase, a performance improvement factor, there is the potential that new employees or regrowth in employment gets sacrificed under the term of

"efficiency." In other words, to get a wage gain and not have to pass that on directly to the consumer buying the product, there have to be efficiencies in the workplace, and those efficiencies often take the form of no new employees, less apprentice training, those kinds of commitments that are made in those agreements.

Those agreements, by the way, are signed by both parties, the employer and the employee. In this case, in a represented workplace, the employee would have one of the union boss's signature.

We are very interested in looking at some of the new provisions under Bill 147. I can tell you for the record here today that there are, I think, four or five major sections of the bill—I'm going by memory here; I've sort of skipped my notes—and one of them is the permit issue, the 60 hours of work and how you would have to get a permit to work overtime and how overtime is averaged over a number of weeks. For the record, I want to make it very clear that I recognize that in today's society, pretty much as a result of overtaxation, most people have to work, that both parents in the family must work to have a lifestyle.

1620

In respect of that, there are jurisdictions in the world that are arguing for a shorter workweek. I question their economics, but the reality is that is happening in some parts of Europe where they are actually calling for a 32-hour workweek etc. What we're trying to do in Ontario is make sure that first principles prevail; that is, there are jobs for everyone. We're trying to eliminate exposure to unusual stress or harm for the employees in the world of work. As I said, the first principle is they have the opportunity to work, the opportunity to actually have a job.

It comes down to minimum wage. In my view there are new employers, sort of marginal employers—I shouldn't say the word "marginal" in a negative way—new employers or companies where the profit margins they operate under—for instance, a milk store or one of those convenience stores where they use a lot of casual and part-time people. In many cases these locations have—

Interjection.

Mr O'Toole: I wouldn't characterize anyone—

Interjection.

Mr O'Toole: As opposed to the member from Hamilton East, I wouldn't marginalize any employer. When an employer buys a company or sets up a company and invests their money, their capital, mortgages their family home to create a business to employ someone else, then quite often the husband and wife are already working 10 and 12 hours a day with no vacation and no protection in many cases.

We're talking of small companies that are exposed. One of the biggest costs to them is the wage component, the compensation factor, the premiums they have to pay on every \$100 of payroll, the employment insurance premiums they pay. Those tax-on-job issues really become a

non-benefit. It's not just the \$6.85; it's the Canada pension, it's the EI and it's the income tax rate.

If you look at some of the issues broadly at the federal level, I personally would be on record as saying, "Let's deal with it fairly." Hard-working people: I represent those people myself; arguably I'm one of them. I'm saying that the federal government under the Income Tax Act could actually look at—this is going to sound foreign to the Liberals who are here, and there are very few here, by the way, and to the NDP; there are a couple more here—and could go with a flat tax.

Let's say that people—I'm speaking to people at home and in the gallery—making under \$30,000 a year shouldn't even pay tax. I'm saying that on the record here today. Let's get with the game here. We probably spend more money for bureaucrats to collect that tax. Employment tax, all of these taxes, are disincentives for people to be legitimate, for new employers to take the risk of buying a business, buying the inventory, renting or purchasing the property, mortgaging their house, and then saying they're going to hire two or three people and try to give them some sense of income and security and the reward of work, if that's what work is. By the same token, they're paying them by selling rakes, hoes, milk or whatever it is they're selling, and those people then get taxed on it. What has the government done for those people individually?

I put on the table today in this part of the debate under opposition day that the rate of tax for hard-working people is a threshold we should look at. For instance, for families as we've described them, working people with children, they should raise the deduction for children. I think they should raise that deduction to \$8,000 or \$10,000 per child.

I've perhaps gone off the script here, in fact totally off the script, but I would say to you that—

Mr Christopherson: You've gone off the planet.

Mr O'Toole: No. Member from Hamilton West, I was respectful to you and all I expect you do is be quiet, not respectful.

I'm trying to make the argument that hard-working people should not be penalized. They should have a safe workplace. They should have their rights protected in the workplace, and those rights include statutory holidays, minimum hours and overtime, the other provisions in Bill 147. I'm sure the member from Northumberland is far more capable of articulating the main message than I am. I usually go off message.

What I'm saying is quite genuine and I mean it from the heart. I'm thinking of people in my community who are hard-working, where the mother and father are both working, where young people are working and trying to get a start. The most important thing is to have a job. The second thing is to have a fair tax system so that they're not paying—their first \$30,000 of income, or maybe it's \$25,000, shouldn't even have income tax.

The EI rate should be reduced. We've been arguing that with the federal minister for a long time, that the EI surplus should be given back to hard-working people.

The Canada pension, the way they're ramping that up, it's going up 9% this year and 9.1% next year. That's a tax on jobs. That's paid for by the employees and the employer.

I believe there are many more attacks that could be made to protect the worker, and the federal government isn't up to it. I challenge the Liberal Party, the opposition party, and the third party that is really the opposition party on this issue specifically, to keep pressing the government to cut taxes, employer taxes and income taxes, so that hard-working people get to enjoy the rewards of their labour, and to make the place of work safe and to protect their rights.

I'm anxious to leave as much time as possible, with some reluctance I might add, to the member from Northumberland. With that, thank you for the privilege of speaking today.

Mr Dominic Agostino (Hamilton East): I'm certainly pleased on behalf of Dalton McGuinty and the Liberal caucus to join the debate here on the opposition day motion presented by my colleague from Hamilton West, Mr Christopherson.

The motion is reflective, I know, of the commitment the member from Hamilton West has to working men and women. Although we disagree on some issues, I cannot argue with the commitment he has demonstrated here and in the time we spent on city council to the plight of the poor, particularly the working poor, and labour. I think this motion is a reflection of that and I congratulate him for bringing it forward.

One quick comment: my colleague across the floor from Durham was off on the federal government again. Let me remind him that the people of Canada spoke very clearly. I think we should put that page behind us and deal with provincial issues, day after day, here.

We will support the resolution today in principle. This resolution addresses a lot of issues that are important to Ontarians, particularly to the working poor and the most vulnerable in our communities. These are people who are often not represented by unions. These are often people who are struggling to meet daily financial necessities, people who are working hard under some very difficult circumstances and some very difficult conditions, simply struggling to survive. This resolution addresses that group of people.

Briefly, the Liberal caucus supports an increase in the minimum wage. We would consult with business and labour and look at a timetable and bring in a minimum wage that would reflect the real necessities of Ontarians today. This wage has not been raised in Ontario. We're starting to lag behind many jurisdictions. We believe an increase in the minimum wage is essential and we would work toward that through a phase-in period.

As to the reduction in the standard workweek, in the same way, unlike this government that has decided we're going to move back to 40, 50, 60 or 70 years ago, we believe a reduction in the workweek is a necessity in Ontario. We believe we need to move closer to the European model and not closer to the banana republic

countries this government often emulates when it comes to where labour and working conditions are at today.

1630

Again, we would look at the Quebec example, which has moved from a 44-hour workweek to 40. They phased it in, I think in 1996. It was 44 hours and it's now moved to 40 hours. Those types of changes, we believe, are necessary and we believe should be brought in over a period of time.

With regard to the one-year combined parental leave, of course we support that. I know this issue has been raised by my colleagues in the third party; we have raised this in the House. What I find interesting is that when this government brought this into their legislation, initially the Premier's reaction was, "Nobody is asking for this. We haven't had requests from women to bring this in." The legislation was passed in June. In October, the Minister of Labour said, "We don't have enough time. We weren't consulted early enough." Then after the public outpouring and the embarrassment this government had to face from realizing that women going on maternity leave in this province were going to be treated as second-class citizens compared to most other provinces across the country and compared to the stand of the federal government, you got dragged, kicking and screaming, into this. Don't take any credit for it. You don't deserve any credit for it. You should have had the guts to follow the leadership in June or July and bring it in at that time or bring in proposed legislation when the House resumed, instead of saying at first that it was not a big deal, it was not an issue, and then you had to be embarrassed into bringing it in. So we fully support that.

In regard to the 10 days of unpaid leave, we support that. We believe that we need to find ways of making this even longer, particularly with the nature of some of the illnesses that people have to deal with in their families every day. For example, the US Family and Medical Leave Act actually gives up to 12 weeks for this, so the Americans are much further ahead than we are there. When you look at this legislation, in principle we very much support the intent. We support where this is going.

I want to spend a few minutes talking about how we on this side of the House see labour relations and how the Americans—that's a slip-up but it's accurate to reflect what this government is moving toward. As the rest of the world continues to move toward better working conditions and better wages for people, this government is stuck in some type of time warp. I can't sit and not look at the issue of this government saying, "We don't think a minimum wage increase is a good idea, because it's not fair to business. It makes them uncompetitive; it doesn't help the bottom line."

Let's understand this: this government is saying clearly that people in this province, the working poor, the people who are struggling to get by, people who are barely making ends meet today, don't deserve any type of increase. Let's understand clearly that this government believes that people who are making \$6.85 an hour are making enough money, but members of provincial

Parliament, earning \$78,000 per year minimum, should get a 42% increase. Let's understand this—Ontarians understand this clearly, and I'll repeat it because it's important enough—the Mike Harris government believes that people who make \$6.85 an hour are paid adequately for the work they do across this province, but MPPs who make \$78,000 a year should get a 42% increase.

Interjections.

Mr Agostino: You notice the reaction. I hear the Minister of Community and Social Services heckling. Let me understand this. The minister is making over \$100,000 a year, heckling. The Minister of Community and Social Services, who is responsible for a 21% cut in welfare benefits, the man who is responsible for throwing people off welfare and on to the street, the man who believes that welfare recipients should be drug tested, that individual—so that the public at home knows, because they can't hear the heckling. If you're at home, you can't hear it. Understand that the Minister of Community and Social Services, who is responsible for cutting 21% off welfare benefits, disagrees with the fact that we have stated that people earning \$6.85 should be making more but agrees with the fact that MPPs making \$78,000, \$100,000 or \$110,000 should get a 42% increase. That is the reality of the debate we are facing here today.

You look at the legislation. You look at the facts. This is a government that believes the workweek in Ontario should be extended to 60 hours, that people should not work fewer hours, but that they should work more hours. This is a government that believes that the most vulnerable, who are working in difficult conditions for minimum wage, shouldn't have the protection of unions, they should be decertifying unions and it should be much more difficult for unions to be able to certify employers.

Clearly, this is an agenda—

Interjections.

Mr Agostino: I realize they're getting rattled. They're heckling over there. Obviously, when you hit a raw nerve it tends to get a reaction out of the government members. I understand that. But clearly the difference is this is a business agenda. Every single piece of legislation this government has brought in has been with the consultation of business. The ministers admit it. With much of the labour legislation, the minister said, "Yes, we consulted with business. Yes, business wants this." Exactly. This is what is driving the labour agenda. This decision on labour legislation by this government is not made in the cabinet room; it is made in the boardrooms on Bay Street. It is made by the folks who paid \$25,000 a table to attend the Mike Harris fundraiser. It is made by the lobbyists who are paid big bucks by big corporations to lobby this government.

This is the agenda. As we saw in the federal election a few days ago, the Stockwell Day, right-wing, Republican agenda is not going to be sold in the province of Ontario. We've made it clear. Most of those members across the floor were working hard—

Interjection.

Mr Agostino: The member from Brampton is all upset. He got upset yesterday with the liberal media because they could not elect one member in the 905 belt. They've worked hard for the Alliance and Stockwell Day and the agenda. I give them credit. I'm sorry, Speaker, I'm wrong; they doubled their numbers in Ontario: they went from one to two. The big agenda that the Tory government of Mike Harris, Bob Runciman and the rest of the cabinet members bought into failed miserably on Monday night. The people of Ontario saw clearly that the Stockwell Day agenda is not one for Ontario. That is one and the same as the Mike Harris agenda.

Interjections.

Mr Agostino: I know they're upset. I know they're upset because they're stuck again without Stockwell Day. They're stuck again with two members in the province of Ontario. I understand you're upset about that. I understand you're upset because the people of Ontario rejected your federal cousins outright on Monday night, as they're going to reject you outright in three years.

On this side of the House, we stand firmly on the side of working people. We stand firmly on the side of the working poor, while Mike Harris and his friends stand on the side of big business.

Ms Shelley Martel (Nickel Belt): It's a pleasure to participate today. I want to focus on point number 3—

Interjections.

The Acting Speaker: I would ask the government members in particular to please allow the members on the opposite side their opportunity to put their thoughts on the record, the same as they are doing for you.

Ms Martel: I want to focus on the one full year of combined pregnancy and parental leave with full job protection during the leave period. I was very proud that on November 2 I introduced a private member's bill, Bill 138, the Fair Parental Leave Act. It was a very simple but important bill—one line—that changed parental leave in the Employment Standards Act from 18 weeks to 35. The point of the bill, clearly, was to bring Ontario in line with other provinces that had already moved to extend job protection to match the extended parental leave that had been permitted by the federal government in its budget of 2000.

Why did I move the bill? Because it was painfully evident that the Harris government had no interest whatsoever in extending job protection to Ontario working families. They were clearly not interested in bringing Ontario in line with the federal government and any number of other provinces that had already made the change, to ensure that those Ontario families that took the full 50 weeks would not lose their jobs in this province as a consequence.

It was very clear the government had no interest because the Premier said it himself. He said this was not a priority for the Ontario government. He said that as early as the beginning of November. Then the Minister of Labour followed on that and said, "Well, we'll take a wait-and-see approach, even though the federal provisions kick in on December 31, 2000." Then the Min-

ister of Labour went on to say that the business community had very serious concerns about this, about extending job protection, and so he was going to ask for their input. It was interesting that he was certainly interested in the business community input, but he sure wasn't interested in hearing from Ontario families, was he? No, not at all.

Since it was clear that the government was only interested in listening to its business friends and Mike Harris wasn't interested at all in protecting Ontario working families, I moved that particular bill so that it could become a bill that people could respond to. And Ontario families certainly responded, and very quickly. Here's April Peterson from North Bay, Ontario, the Premier's home riding: "I would like to thank you," Ms Martel, "for tabling the private member's bill about one year parental leave. I would like you to know that the women and men I work with wrongly assumed the labour laws would automatically be changed to complement the changes in the federal policies. I and a number of my colleagues have phoned Mike Harris's office and told them that there is a demand for one year job protection. I have also e-mailed Chris Stockwell to tell him the same thing."

1640

Here's another one. Mary Lee Kapusty says, "I commend the NDP ... attempt to amend the Employment Standards Act extending parental leave.... I work with women both pre- and post-natally. In addition I also work in a preschool speech and language program. From this dual vantage point a secure, stable and predictable environment is vital to children. Extending parental leave in combination with maternity leave" would really help Ontario families. "I urge you and all your colleagues, whatever their political stripes, to seize this moment." Do the right thing.

The Reverend John Borthwick said the following: "I am surprised by the Premier's statement after reading a statement on the government's Web site that states: 'Premier Mike Harris said that his team at Queen's Park has a strong track record of initiatives and reforms to help Ontario's children grow and develop into healthy, happy and responsible adults.' Perhaps I am mistaken but extending parental leaves would go a long way to helping 'Ontario's children grow and develop into healthy, happy and responsible adults.'"

Finally, Richard King from Toronto wrote this to the Premier on November 7: "I was disappointed to read that your government does not consider giving families the choice to stay at home to look after their newborn for the first year of the child's life 'a priority.' I am aware of your government's commissioning of the report by Dr. Fraser Mustard ... which explicitly recognized the importance of the early years of a child's life. Frankly, the position that your government is taking on this issue appears to be in direct contradiction to the Mustard report commissioned by you, and paid for by Ontario taxpayers," and of course it was.

I think the government got the same e-mails that I did and found out very clearly that this issue was a priority

for Ontario working families right across this province. What did the government do? The government has decided to hold Ontario working families hostage by giving them one year parental leave and then after they return to work to be clobbered by a 60-hour workweek, which will do nothing, absolutely nothing, to enhance the situation for working families in this province. I say specifically held hostage because it is clear that what the government has done is said to its business friends, "Bite the bullet, bite your tongue on the one year parental leave, and in return we will repay you by allowing you to have a 60-hour workweek in your place of employment." That's how Ontario working families are being held hostage by this government, and that clearly shows the contempt and the disdain with which this government treats Ontario working families, especially those with young children. It makes it absolutely clear.

You see, the message from the Mike Harris government is this: if you're in a position to take one year of parental leave, you'd better grab it, because after you return to work after that first year, you can kiss goodbye to seeing your families again because you will be faced with a 60-hour workweek from that point on. That is the choice that Ontario working families will be facing. That is absolutely the choice they are going to be facing. Ontario workers will face the choice that they can agree to do the 60 hours of work and they can kiss goodbye to their families or they can tell the employer that they are not going to work 60 hours and they can kiss goodbye to their jobs. That's the reality of workplaces in Ontario, especially in non-unionized workplaces in this province, because there is no balance of power in the workplace, especially in non-unionized shops.

If you have the audacity to go to your employer and say, "I don't want to work 60 hours this week," the employer will say, "Here's the door, my friend. I have 10 others who will. You can pack your bags and leave today." That's what happens in the workplace, and that's what families with newborn and newly adopted children are going to face after they use up their one year of parental leave. That's a fact. Anyone who doesn't think that's what's happening in the workplace is living on another planet.

I moved Bill 138 because it was one of the key recommendations of the Mustard and McCain report, the Early Years Study. While this government goes on at great length with lots of rhetoric about how they care about families, it is clear that this key recommendation of one year parental leave has been completely undermined by this government. I wonder how Fraser Mustard and Margaret McCain feel, knowing that a key recommendation they have made about parental leave has been completely wiped out by this government's decision to move to a 60-hour workweek. Let's remember that McCain and Mustard talked about the early years: zero to six. While the parental leave covers zero to one, what happens now is that the 60-hour workweek covers one to six. There is nothing good about that for Ontario families,

there is nothing healthy about that for Ontario families, there is nothing helpful about that for Ontario families.

What we need is this: we need one year full parental leave with full job protection in an Ontario that has a 40-hour workweek. Then we would be doing something concrete, something beneficial, for Ontario families.

Mr Brian Coburn (Ottawa-Orléans): It's a pleasure for me to be able to speak to the resolution by the member for Hamilton West today. That resolution identifies a number of areas where obviously he doesn't think we've gone far enough.

This act was proclaimed I believe back in about 1968, and there hasn't really been any substantive change for about 25 years.

The other thing that's noticeable in our society today is that there is a changing economy and a new economy, and to meet that there are changes, and some rapid changes, in the workplace. When change is made, of course, there's some resistance to taking away from some of the things you're used to and introducing new criteria and new rules that are demanded of the new economy and businesses that are competing on a global basis.

Debating in here today is part of our democratic process, where in some instances whatever the government does, the opposition never thinks you go far enough, or you've gone too far.

This piece of legislation actually sets out basic working conditions for employers and employees in Ontario, including hours of work, vacation, public holidays, pregnancy and parental leave. It does give employees new rights and protections, and it provides employers and employees with new flexibility to meet those ever-changing conditions in the workplace. By modernizing the Employment Standards Act, it will bring workplaces more in tune with the demands of the 21st century.

Mr Christopherson: On a point of order, Speaker: The parliamentary assistant to the Minister of Labour talked about the fact that they were going to speak very directly to the motion. That is in the rules. We're not debating Bill 147. It would be helpful if the member would speak to the matter at hand, which is the motion on the floor.

The Acting Speaker: I'm sure the member is intending to do that.

Mr Coburn: Thank you, Speaker. It's kind of normal in this place to be very selective on the other side when you jump up and raise points of order. I will speak directly to the issue that the member has raised in his resolution.

He talks about increasing the minimum wage. In Ontario certainly we're not leading the pack, but we're not at the tail end. We're about third in Canada in terms of minimum wage, and there's substantial and good reason for that. There's been a lot of harm done to our economy, for a variety of reasons. A lot of it can be blamed on previous governments and the economy. But what has happened since 1995 is that this government has worked extremely hard to bring renewed confidence to the workplace and to the businesses in the province of

Ontario, and that certainly has a ripple effect through our entire economy.

In order to do that, there's a fine balance to be achieved between the affordability of those who create jobs and their ability to generate returns on their investment so they can grow their business and create additional jobs. That, in a nutshell, is basically how the economy works. If you don't have a job, your unemployment rates rise, but if you do have a job—and it may not be at a minimum wage that would please the opposition or some members of our society. It is that fine balance, that you can do better if you do have a job.

1650

We've created with our initiatives and tax-cutting initiatives in this province in excess of 785,000 jobs since we came to power in 1995. That has created an atmosphere in the workplace that promotes investment and creates additional job opportunities. At some point in the future the timing may indeed be right that we look at increasing the minimum wage, but we feel that at the present time it is too delicate to try to tinker with, that it may upset the balance in a red-hot economy.

Just go back to when the former government, our predecessors, were in power. They had no regard for the economy and in fact had provided a 37% increase to the minimum wage while the economy was struggling. You know the result of that: the unemployment rate skyrocketed. There was absolutely no regard for that fine balance and return on investment to those who create jobs and the partnership that's created in the workplace between the employees and the employer.

There is much more than a neighbourhood competitiveness. It's a global competitiveness now, and that very much figures into the benefits that can be achieved in the workplace by employees. You talk about a standard workweek: a standard workweek in this province is 44 hours. That has been the law for a good while. Many union contracts, of course, have negotiated something less than that, or by agreement with employers. Employees still have the right to refuse work of more than 48 hours. Nothing has changed there and they still would receive overtime over 44 hours. Nothing has changed there. Time off instead of overtime pay for employees, if the employers agree, provides a convenience for not only the employee but maybe for the employer, to be able to satisfy some of the personal needs that you have in your day-to-day lives.

For the first time ever, new minimum universal daily and weekly rest periods protected by law are part of this legislation.

I have had, actually, the luxury of being raised on farm and then working out in the construction sector, working in the office sector, being involved in a union, being a shop steward, being the owner of my own business and also being a municipal politician and now legislator in the provincial assembly. Over those years, I have gained considerable and valuable experience from the people I've worked with. Certainly in the workplace, then and today, when you talk to people, the changing economy is

not something that you can just say is black and white. It's flexibility that's needed to be able to meet some of the demands in the workplace. For example, in the Ottawa area, with the extremely explosive growth of the high-tech sector, it's not a normal workday of eight hours a day. In fact, when we try to attract business to that area, the high-tech companies tell you that it is a workplace that is not even recognizable, given what we've experienced over the last 30 or 40 years in this country. It's people who have come in with specific expertise who are working, trying to keep companies on the leading edge so they can sell their product or their technology so that their business grows and they can ensure jobs. The minute they have one product on the market, they have to have something else right on the heels of it to stay competitive.

In the workplace, the things that the employees are demanding are to make sure there are 24-hour coffee shops, that there are recreational facilities—because they don't work just eight hours; they work a combination of hours, and some work much more than 10, 12, 14 hours a day. This legislation provides the flexibility for the employee and the employer to come to that agreement on something that helps build and strengthen the workplace, where they hope to achieve that remuneration that provides the quality of life they work so hard for.

My colleagues have touched, when we've had debate, on pregnancy and parental leave. That is included in this piece of legislation.

Family responsibility leave—what happens in the workplace today? There are many companies, very small companies, who create the bulk of the jobs in this province and in this country. Their agreements—"I need a few days off; I've had a death in the family"—are worked out between the employer and the employee, and that's a relationship that is developed in the workplace.

This puts into legislation that the death, illness, injury or medical emergency of an individual described in subsection (2) in the legislation, or an urgent matter that concerns an individual described in subsection (2), where it identifies specific situations—they do have the opportunity to have up to 10 days, for anyone working in a place of 50 employees or more. That's something new that has come into the workplace, and that is another change that has happened as a result of a changing workplace. Wouldn't it be nice if you could just say, *carte blanche*, "You can take off whenever you want"? But there has to be some stability in the workplace so the employer, the person who signs your cheque and gives you the money at the end of the week or the day, has the ability to make sure the company survives and keeps the job for you.

My colleague will use the few remaining minutes that are left.

M^{me} Claudette Boyer (Ottawa-Vanier) : J'aimerais partager certaines de mes inquiétudes face à l'amendement au Employment Standards Act proposé par le ministre du Travail, M. Stockwell.

Il n'y a pas longtemps, j'ai donné mon point de vue au sujet du projet de loi 139 et des répercussions néfastes qu'il porte à la démocratie. J'ai tenté de soulever le fait que ce gouvernement qui parle constamment de sa bonne considération pour les gens de l'Ontario a complètement oublié ses mêmes Ontariens et Ontariennes lorsqu'il propose cet amendement.

Encore une fois, j'aimerais parler des actions du gouvernement Harris face au secteur de l'emploi et du bien-être des travailleurs et travailleuses de l'Ontario.

Of course, along with Dalton McGuinty and the Liberal caucus, I support in principle the opposition motion, which is to amend the Employment Standards Act to include different steps toward creating family-friendly workplaces.

La proposition qu'avance le ministre Stockwell de prolonger la semaine de travail à 60 heures, soit 12 heures de plus que la limite actuelle de 48 heures, est un changement que Dalton McGuinty et le caucus Libéral refusent d'accepter. Je trouve vraiment que cet amendement va à l'encontre et au détriment de la famille et des enfants.

Pour un gouvernement qui prétend travailler pour les gens ordinaires, cette augmentation dans le nombre d'heures de travail s'avère complètement une contradiction de leurs principes. Ce seront, comme d'habitude, les patrons, les employeurs et les grandes entreprises qui en sortiront gagnants.

Bien sûr, le ministre Stockwell va nous dire que l'employé n'a pas à accepter les heures supplémentaires et qu'un patron ou une patronne ne pourra pas forcer un employé à travailler plus que le nombre d'heures actuelles. Mais en réalité, nous savons tous qu'en certaines instances, l'employé qui est demandé par son patron ou sa patronne de travailler des heures supplémentaires n'a pas vraiment de choix. Évidemment, la majorité des employeurs sont sympathiques aux besoins de leurs employés, mais que fait le ministre pour assurer qu'un employé qui refuse de travailler les heures supplémentaires ne soit pas puni ? Les ont-ils oubliés ? A-t-on pensé à les protéger à travers cet amendement ?

1700

The Harris government will attempt to convince us that we are living in an ideal world where employees who wish to make more money can work longer hours and everything will be fine. But unfortunately, reality—and this reality is one that this government seems to forget—is such that there are people in Ontario who are less fortunate than others and who live in poverty. These are the people of Ontario who do work for minimum or meagre wages. There are people in Ontario who have little money and who must work in unpleasant jobs that pay very little because they have no choice, and it is these low-wage workers whom the Harris government ignores in this amendment. These people, let me remind you, are often single parents or new Canadians who do not have large incomes but who live on what they have. These are the people of the working class who are most affected by this amendment. The option of not accepting

to work the extra hours does not exist for these people because they simply have too much to lose. These people are stuck. They cannot, on the one hand, refuse the extra working hours for fear of losing their job, but neither can they accept them, because they have other important responsibilities waiting for them at home or in their families. What a shame.

La relation entre employeur et employé dans le domaine du travail à bas salaire est vraiment déséquilibrée, tellement déséquilibrée qu'un employé n'a plus de vrai choix. Choisir entre travailler 60 heures ou refuser et risquer de perdre son emploi n'est pas un vrai choix. Les employeurs ont la puissance de l'autorité derrière eux. C'est pour ça que je dis que les employés doivent avoir aussi la puissance de la loi de leur côté. C'est ce qu'on appelle un équilibre. Avec cet amendement, le ministre Stockwell attaque de façon vicieuse le seul moyen qu'un employé a à sa disposition pour se défendre contre un employeur qui souvent abuse de son autorité.

Dalton McGuinty and the Ontario Liberal caucus have other concerns about the 60-hour workweek amendment. We in the Liberal caucus are concerned with the well-being of Ontario families and we are very worried that by putting forth this amendment, the Harris government is putting Ontario families and children at risk. Obviously, when parents are working 60 rather than 48 hours a work, their time at home is reduced. This equates to almost an extra two hours a day every day, seven days a week, that parents will have to spend away from their children. For many families this might mean that a mother may have less time to read a book with her son. It may mean that a father will have less time to help his daughter with her geography lesson. It might mean that a parent will have less time to teach his or her child about music or the arts. Perhaps if this government hadn't cut back drastically on funding for music and art education in the classroom, parents would not need this extra time, but I guess this is a debate for another day.

What is clear is that while Premier Harris and this government talk about how much they respect families and are concerned for the well-being of Ontarians, they legislate in a completely different manner. Extending the workweek to allow 60 hours of work does nothing to benefit families.

Le premier ministre Harris et le ministre Stockwell peuvent parler autant qu'ils voudront de comment leurs politiques aideront les familles et les gens ordinaires, mais nous savons tous et toutes que ce qu'ils disent et ce qu'ils font sont deux choses complètement différentes.

Mr Doug Galt (Northumberland): I certainly appreciate the opportunity to finish up the time for our party, the government, on this particular bill.

This is really about doing what we said we would do. It's a commitment that we made in the Blueprint and we're certainly following through. Our government does care about how many hours people work. Our government does care about whether parents get to see their children and how much time they have with their children and we do care about the time that people need

to spend with their families. This is all very important to our government.

What this bill is doing and what I hear being opposed over here is really about expanding worker's rights. What's going on here hasn't been just pulled out of the air, pulled out of a magic hat, pulled from the sky. It's been drawn from the Blueprint. I hear some of the peekaboo Liberals across the aisle here; I really have to wonder what is their hidden agenda.

On page 14 of the Blueprint, dropping back to pick up something that wasn't covered earlier, I just want to quote to you, "With the way the workplace is changing, more workers and companies want to set up arrangements other than the traditional Monday-to-Friday workweek. We'll give workers and employers more flexibility in designing work arrangements to meet their needs, such as flex-time or four-day workweeks."

This is just one example, and I hear a lot of people saying this, especially people from small-town Ontario, rural Ontario, who work here in the big city of Toronto. They would like to work four days a week and then have a three-day weekend. It saves the cost of commuting in and it just makes so much sense, but it sounds like the third party over here really doesn't understand and they're opposed to that. Of course I understand they're the third party. The official opposition, as far as I'm concerned, is the only place we're getting any true opposition. It's sort of like they're jumping on somebody's head and then yelling that it's hurting their foot.

This is indeed about honouring a commitment and this is what the good people of Ontario voted for and we want to honour their request and carry it forward on their behalf. This is about—

Mr Christopherson: What's the matter? Can't you debate the motion?

Mr Galt: We'll debate your motion. Let's talk about the \$7.50 they're proposing. I have spent a lot of time with the farmers in Northumberland. I should tell you about this. When we went around and visited those with apple orchards, we came back with one very strong message. Actually there were two. One was, "Don't stop the offshore workers from coming to Ontario to pick the crops here in Ontario because we just can't get people here to work," and secondly, "Whatever you do, don't increase the minimum wage because if you do we're going to have to tear out these apple trees." They're in big trouble now. "We're going to have to give up the strawberries, we're going to have to give up the turnips." That's the situation we're in. What the member from Hamilton West is suggesting—

Mr Christopherson: Argue to roll it back then.

Mr Galt: Let's go back to 1995. Our commitment was to freeze it and that's what we're holding to until the other areas catch up, and we're still holding to that. I think that's important to honour a commitment. We have a hallmark in this government of doing what we said we would do. I'm just sharing with the member from Hamilton West what the farmers in my area are telling me. I think it's pretty important that we recognize what

the farmers of Ontario need, otherwise they're just not going to be there. The food will not be produced in this great province of Ontario.

A lot of what's in here is about working together and having the union work with the employer and develop their own personalized workweek. They're sounding off about a 60-hour workweek. What they're trying to do is trade on emotionalism within the union ranks, so they get all upset, when in fact you don't understand at all what's going on in that particular bill.

I think it's also that they don't seem to understand the combined pregnancy and parental leave. That's what we're doing. That's what's in a bill that's going through this Legislature that they just supported, but obviously, when they don't support the bill, I guess they don't support that piece of legislation.

That is something that a fair number of small businesses in my area are complaining about. They're saying it's going to be extremely difficult when we have two or three employees, one leaves and we have to guarantee a space when that other employee comes back. It makes it very difficult in small-town Ontario and small businesses.

Mr Christopherson: What about their sick kids? Their kids are just as sick.

1710

Mr Galt: Then I look here at the 10 unpaid days for family responsibility. Haven't you read the bill we're bringing in? Why would you have that in your motion? Do you not understand the bill? Have a look, sir.

Interjection.

Mr Galt: If the member for Hamilton West would just stop screaming for a few minutes he might hear the comments I'm making. It's in the bill. It's in the Blueprint.

Interjection.

Mr Galt: It's in the bill; it's a commitment in the Blueprint. We're following through exactly as we said we would. I think it's just unfortunate; if the members in the opposition would read the bill they'd have some idea what is going on, rather than bringing forth a resolution to try and stir up the rank-and-file people out in rural Ontario. Again, we are following through on our commitments.

The Acting Speaker: The member for Hamilton West will withdraw the comment he made. I didn't stop it because I wanted to give the member time to finish off. You made a comment that was unparliamentary. I'd ask you to withdraw it.

Mr Christopherson: I really didn't, but if I did, I withdraw.

The Acting Speaker: Further debate?

Mr Christopherson: What did I say?

Mr Joseph Cordiano (York South-Weston): If I may have the floor, I'm delighted to speak to this resolution that has been put forward by my friends in the NDP. I think the general thrust of the resolution is something that I could support, however, there are some problems associated with it.

I would like to suggest that the increase in the minimum wage is certainly something I could support, but have some small concerns about at the present time derailing any kind of momentum that has been building in terms of job creation with respect to small businesses. The concern I have is with respect to the tourism industry, of course, and as well with summer jobs etc that are associated mostly with students. I would not want to see any kind of erosion in job creation as a result of the increase in the minimum wage—which I honestly don't think is going to happen. At the present time we have a real increase in economic growth. We certainly have positive productivity gains which can result in improvements generally economically and as a result I think an increase in the minimum wage can be sustained at the present time economically. I think it's important to be concerned—

Mr Christopherson: So when do we raise it, in a recession?

Mr Cordiano: I think it's important to be somewhat concerned about the impact this will have on small businesses, particularly in the tourism industry and in industries associated with tourism; the restaurant industry as well would be concerned about this.

With respect to the rest, though, I think some people have commented with regard to the increase in the number of hours worked during the workweek, changes to the Employment Standards Act. This is a fundamentally retrograde kind of initiative by the government, going back in time. It's a backward step.

There is no doubt that the pressures on people who work for a living have increased enormously. The pressures have increased with respect to their time. There isn't enough time to do the things that are required for the average person out there—looking after children, looking after adult parents, looking after all sorts of requirements and responsibilities that a family faces these days. I speak from some experience with regard to that. It is quite difficult.

The naïve assumption that somehow an employee can dictate to the employer, that they can come to an accommodation with the employer that they would not work additional hours and still hold on to their jobs or still be held in some kind of regard with respect to the employer is simply not going to happen. There is a real problem associated with an employee single-handedly going to the employer and negotiating the terms of employment on an individual-by-individual basis, because that's what this contemplates.

In a situation where you have collective bargaining agreements, obviously that is not of concern. These things will be negotiated. But in workplaces where there are no collective agreements in place, the individual simply doesn't have the leverage to deal with the employer. So I fail to see how this quaint notion that there has to be agreement on the part of the employee to work those additional hours and that this would be resolved with the employer—by virtue of the fact that the employer asks the employee, there's an implied request and certainly the

employee would have to agree with the employer, otherwise they'd be facing difficult circumstances in their employment. I think that is a realistic assumption of what might occur in this circumstance.

I don't believe for an instant that every employee has any kind of leverage over their employer to negotiate that on an individual basis. It's simply not going to happen out there. That may happen in the case of software programmers at the high end of the workplace, but it's not going to happen with respect to these minimum wage workers who are at the low end of the scale. You're going to have these problems that aren't quite contemplated, and if they are, I say to the government, think about it very carefully. If that's what you intend to have happen, that's not what's going to happen and I think it's rather naïve. Or maybe there's really an intention to have the employers gain the upper hand and to force workers to work additional hours. Rather than going out and hiring additional workers, it's a much cheaper proposition to allow your current employees to work additional hours. So that simply doesn't work.

I think when you examine this in the clear light of day you will find that the Employment Standards Act amendments that are being contemplated would have the effect of increasing the workweek, not the opposite impact. Certainly most people today would say that what they're looking for, the most recent studies that have been conducted by employers, is the additional flexibility and time off from work. I think that's the number one request of employees today, looking at their workplaces and what would make them happier. It's not additional pay, necessarily, for those who are earning good salaries—and there are many people out there in this prosperous economy who are doing just that. But what they're really looking for is some flexibility and some time off, which they find almost impossible to achieve in this growth economy.

The other concern I have is with pro-rated benefits for part-time workers. This is a difficult issue. Which employees in the workplace who are working part-time are going to derive these kinds of benefits? Is it going to be those who are in organized workplaces that have collective agreements in place? What's going to happen to those who are not in organized workplaces? Their chances of receiving pro-rated benefits are next to nil unless we mandate this, and the chances of this resolution going anywhere are unlikely.

What I'm suggesting to you is that making a selection here is going to be very difficult. The workplaces that do have benefits are usually those that are involved in collective agreements, and those most likely to have benefits at the present time are larger firms that have those kinds of benefits in the first place. Most small businesses do not. Those are the concerns I have with respect to this resolution.

1720

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm very happy to speak in support in principle of the resolution that is before us

today. I would like to make some comment about some of the statements that have been made.

I would like to refer to the comment made by the member for Northumberland. He so regularly stands and makes reference to what is said on this side of the House. Earlier today he suggested that members on this side of the House have a hidden agenda. I would just caution the member for Northumberland not to judge the members on this side of the House by his own standards. There is no hidden agenda on this side of the House. I think we are very clear in terms of our position on behalf of the people and the families of Ontario.

I find it interesting that the member from Northumberland is also very quick to stand and suggest that the minimum wage is sufficient for families in Ontario and that there's no need for an increase in the \$6.85-an-hour wage—this coming from the side of the House that wanted to give themselves a 42% increase in salary. Shame on you. You can stand and say to the people of Ontario that you're worth a 42% increase and someone who makes \$6.85 an hour doesn't deserve a raise? Do you know what \$6.85 means on an annual salary? It means \$12,700. You're saying that someone who makes \$12,700 a year doesn't deserve a raise, but you do. That's not the agenda on this side of the House, I'm proud to say. That's not what we're standing for here.

We are saying, in principle, that there should be an increase in the minimum wage. We believe that. We should consult with business and with the workers of Ontario to establish what that rate should be, and that rate should be phased in over four years. That's our agenda. We're very clear; we're very upfront. There is nothing hidden about it.

With regard to the reduction in the standard work-week, again, this is an issue we believe should be discussed with business and workers and should be phased in over four years.

Interjections.

The Acting Speaker: I would ask the members to please calm down. I can't hear the speaker.

Interjection.

The Acting Speaker: Member from Hamilton East, I can't hear your colleague.

Mrs Dombrowsky: I've touched a nerve on the other side of the House and created quite a reaction.

As critic for children, I think it's important to make a comment with regard to the part of the resolution that relates to the extension of parental leave. This is very much in keeping with the recommendation made by Fraser Mustard and the Honourable Margaret McCain in the Early Years Study. I commend the leadership that was taken by the federal government, which first acted to extend parental leave to 50 weeks. It's regrettable that this government had to be dragged kicking and screaming—

Interjection.

Mrs Dombrowsky: Yes, that's the government that was elected to a new majority, a significant majority, this week. But even before it was elected, it did demonstrate

the leadership to extend parental leave to 50 weeks. The Premier of this province had indicated in this House that he had not been made aware that it was a priority for the people of Ontario. I'm especially pleased that this opposition was able to have the Premier understand how very wrong he was in that statement, that indeed the people of Ontario do see it as a priority. I was deluged with calls to my office, and also with letters, that for working families in Ontario the extension of parental leave to 50 weeks is very important.

Also, with regard to that part of this resolution we're debating which makes reference to unpaid days of family responsibility, an issue I believe needs to be supported by this government, I'm not so sure I'm prepared to limit it to 10 days. I would suggest it's an issue that should be debated between an employee and an employer. Different employers are able to be flexible in different ways. When family members or loved ones are ill and workers have a need to be away from their place of work for perhaps an extended period of time, I think it's totally appropriate that there would be some accommodation made, that there would be some expectation within the labour laws that when possible an employer would be able to accommodate the family needs. That is very important and very supportable. I would just caution perhaps not to restrict it to 10 days. Perhaps there might be situations where more time would be required, especially if it were the case of a very near and dear loved one, a child especially, so a parent would have an opportunity to have time to spend with a sick child.

With regard to pro-rated benefits for part-time employees, again, I think it's totally appropriate that the government would make this accommodation—for those people in Ontario who find there is a need within their family situation or in their own personal situation that they engage in part-time work—so that they are also able to enjoy benefits. I think it's unfortunate that someone who may not have a full-time schedule would not be able to avail themselves of benefits. The reality in today's workplace as well is that there are fewer and fewer opportunities for full-time employment. More and more the trend is toward part-time employment, and more and more families are not able to access benefits because, in some cases, both members of the family are working in a part-time situation. This is really most unfortunate for families, and also, I would suggest, for children, who sometimes are not able to be provided with the kind of medical or dental services or drug benefits that might be afforded because their parents work but they don't work full-time.

The other thing, too, is that in many cases, parents work almost a full-time schedule but usually are short just enough hours to prevent them from accessing a benefits package. I think it's important that we respect that all families in Ontario where parents are working should have access to plans when at all possible.

I'm very happy to have had the opportunity to speak to this resolution and perhaps to have the government understand that there continue to be a number of avenues

for you to improve the work situation, not just for families, but in this particular resolution, particularly families in Ontario.

Mr James J. Bradley (St Catharines): I was looking at the resolution. I thought the most important part of the resolution may be the final part, because there's no question that we haven't had the kind of widespread consultation on labour laws in this province that is necessary before we move in a specific direction. The government certainly has not provided the kind of consultation that is necessary with all parties who are affected by labour legislation. The final portion of this resolution says "That this House calls on the government to consult the people of Ontario on further measures designed to help working Ontarians achieve a better balance between work and family responsibilities."

It also mentions, "That this House demands that the government rebuild the Ministry of Labour's enforcement capacity by hiring new officers to fill all the employment standards positions that have been cut since 1995." I can very much relate to the cuts that have taken place in the Ministry of Labour because they remind me of the cuts that have been taken in the Ministry of the Environment and the Ministry of Natural Resources and conservation authorities—

Interjection.

Mr Bradley: I should tell the member who is telling me to speak to the motion that the motion says, "That this House demands that the government rebuild the Ministry of Labour's enforcement capacity by hiring new officers to fill all the employment standards positions that have been cut since 1995." I'm talking about cuts to government ministries and comparing the cuts that have taken place in the Ministry of the Environment, the Ministry of Natural Resources and, of course, to conservation authorities.

We know the consequences. We drastically increase the risk of a tragedy happening, in this case in the workplace, by cutting the number of inspectors and the staff of the Ministry of Labour. We all know there have been cuts to the Office of the Worker Adviser. These are individuals who are there to assist people who have problems with what we used to call Workers' Compensation Board problems, now the Workplace Safety and Insurance Board, WSIB. We recognized that help was necessary, particularly for people who are not able to be represented by union representation. Where there was union representation with people and expertise in that field, that was carried out in a responsible and thorough fashion, but there are a number of people who don't have that kind of representation because they're in non-union shops or non-union workplaces. The Office of the Worker Adviser was extremely important to those individuals and continues to be so.

1730

But if we look at the inspectors, we need inspectors to go around to workplaces to ensure there are not violations of safety considerations within that workplace. They're there to investigate complaints. They have to be

there to do surprise inspections from time to time. All of us gather on one day of the year, though we think about it all days of the year, to think about and commemorate those who have been killed in accidents in the workplace, and often there is a list of people who have been killed in the previous year in our specific jurisdictions or specific parts of the province that is read to us and the tragic circumstances surrounding them. That's why it's important to have Ministry of Labour staff available.

Also, we would all know that if you try to deal with your local Ministry of Labour office, there are fewer people today to deal with specific complaints. Whether they're coming from employees or employers, there simply isn't the staff there. My contention is that most Ontarians want those kinds of services which this government has removed and that they're prepared to forgo tax increases, particularly for the very rich people in the province, so that we continue to have those services available. We may not have to worry if they're very wealthy people, they're often not dealing with a Ministry of Labour office, but people who have lost their jobs, either they've been fired for some reason, there has been a layoff, the company has gone bankrupt or there's some reason they have a complaint that they need Ministry of Labour help with, they simply have to get into a very long lineup. I think that provision within this resolution is an important provision.

But I go back to the consultation that is called for in this resolution. We really need it. I can recall, having been a member of this House since 1977, that the Davis administration brought in some labour legislation. It was marked by fairness and balance. Yes, labour was not entirely happy with some of that legislation; nor were employers, management in other words, entirely happy with it. Bill Davis and his various labour ministers, generally speaking, tried to bring about balance in the workplace. That's what generally brings about peace and contentment in the workplace.

What has happened is that this government has moved substantially to the right; that is, taking away many provisions that have been beneficial to people who are in the workplace—I'm talking about employees now—and giving those to employers. What's needed is a widespread consultation where people sit down—people in the labour movement are very conscious of the need to be competitive. I know people on the other side don't always think that's true. They know when they're dealing with a collective agreement—watch the collective agreements that are reached in difficult economic times and those which are reached in booming economic times. I think you will recognize that the people negotiating on behalf of employees are cognizant of the ability of the employer to pay and tend to be much more moderate in their requests or their demands in those periods of time than they are when we're in a booming economy and they see profits increasing dramatically and they see others getting a substantial increase in compensation. So that's important.

We have proposed, as a party, that there be an opportunity for people to have medical leave. For instance,

someone in the family may be a terminal patient. Families are much smaller today. There was a time when you had a very large family and some of the people in the family may not have been in the workplace, so it was easier—it was never easy, but it was easier for those individuals to look after often a parent or another person in the family who might be seriously ill or even a terminal patient. We think it would be wise to have that provision for a leave in that regard. Suggested in this resolution, similar to what the government has suggested in one of its labour bills, is that there be 10 unpaid days of family responsibility leave for all employees, because there are emergency circumstances. Notice it says "unpaid." But there are circumstances that arise where people have to look after families.

Take a look at the size of the families of most members in this House. They're significantly larger than families that are coming up today. It used to be that it was nothing to have four and five and six kids in a family. Today it is normal to have one or two children in a family. Not that it's abnormal to have more or fewer, but that's the norm today; that's the average today that we see. That means there are fewer people within the family itself to look after folks who have an unfortunate circumstance arising, be it an illness of some kind or an emergency of some kind. That affects most families out there, so I think that provision is good.

We haven't had an increase in the minimum wage for a long period of time. The resolution by the third party says "an increase in the minimum wage to \$7.50 per hour." It doesn't say "tomorrow"; it doesn't say "next week." It's a suggestion that we go to \$7.50 an hour. Presumably there could be a phase-in of that amount. But what we haven't seen is an increase. We have not seen an increase. I don't know whether the member for Hamilton West forgot to put in or he was contemplating a phasing-in period of time, but I just look at what it says. I'm trying to read exactly what it says in here.

I think the member would agree with me that many others have had an increase, people who have had representation in the workplace or people who have the power to increase their own pay. One of our members suggested that Premier Harris wanted a 42% increase for members of the Ontario Legislature. When they look at that, you see, they compare it to what has happened with the minimum wage and say there's a need for significant movement in that regard.

I think what is suggested in this resolution, although some members may not agree with everything in it, is certainly acceptable to me.

Mr Howard Hampton (Kenora-Rainy River): I'm pleased to participate in this debate because I think this is the debate that should be happening in Ontario today, rather than the government forcing through what is in effect a 60-hour workweek.

I just want to comment on the government's proposal for a 60-hour workweek. Let me say that those of us out there in the real world of work know that's what this is about. We know that workers who work in non-unionized

workplaces can now essentially be told, "You're working a 60-hour workweek, and if you're not prepared to work 60 hours, goodbye." That's what this means. Employers know that's what this means, and employers are going to act on it and implement it in exactly that way. This is, in effect, a government rolling back the clock at least 50 years. In fact, the only other government in the world right now which is moving toward a 60-hour workweek is the government in Russia. The current government in Russia is moving, in effect, from a 40-hour workweek to a 56-hour workweek, putting Russia back in the condition that it was in under the czar. I can only conclude that the Premier and his colleagues here and the government believe that moving back to working conditions that existed under the czar in Russia 100 years ago is somehow progressive and positive. Well, it's not. It's moving in exactly the wrong direction.

What this package is all about is to recognize what's really happening out there in the so-called new economy. We know that in the so-called new economy the one factor which makes it all work, makes it all turn around, is the talent of people. We now have an economy which depends upon the skill, the ability, the knowledge of people more than it depends upon cheap natural resources or more than it depends upon nearness to a market or more than it depends upon having your own captive pool of capital. We're now in an economy where the most important, central ingredient is people. Therefore what we should be doing, as a society, is putting in place the supportive tools which will help people access better training, which will help people to become more productive, which will help people to make more thoughtful decisions in terms of the workplace and which will help people to meet their other responsibilities in terms of being parents and citizens.

1740

But you can't do that with a 60-hour workweek. It means you can't look after your family responsibilities. It takes time away from being a citizen. It means that you essentially become the next thing to a slave to the workplace. A 60-hour workweek is not supportive of a more productive society; it is not supportive of a more productive new economy; it is in fact an idea out of the old economy. And that's truly where this government's head is at: in a low-wage, low-productivity economy.

If people are going to be productive, then they need things like adequate parental leave. Then things like emergency time off to take care of family crises or family problems should be extended to all workers, not just workers in workplaces with more than 50 employees. Child care, so that you know that your children are going to be adequately cared for while you're at work, has to be on the agenda as well.

The minimum wage has now been frozen in this province for six years. We've had six years of incredible rent increases. We've had six years of increases in the price of heating fuel and gasoline. We've had increases in the cost of food. We've had a government that has hit working families with more user fees, higher user fees, hidden

user fees, and yet the minimum wage has been frozen for six years.

The government would say, "This is a good thing." They would say, "It's a good thing to have a low-wage economy." I challenge anybody in the Conservative benches to show that the low-wage economies in Central America or the low-wage economies in Africa or the low-wage economies in what used to be part of the Soviet Union or the Eastern bloc have in any way been productive. Low-wage economies cannot allow you, do not allow you to develop the kinds of productive institutions and productive relationships that need to happen. Low-wage economies don't allow you to have a good health care system, but you need a good health care system if people are going to be productive. Low-wage economies don't allow you to have a good education system, but you can't take part in the new economy unless you have a good education system.

But we have a government that is ideologically wedded to freezing the wages of the lowest-paid people in the province. For a government that often refers to the United States, I wish they'd follow their own ideological argument. The Americans have raised the minimum wage at the federal level twice in the last four years by substantial amounts, and the studies that have been done on the effect of increasing the minimum wage in the United States all show that it's had a positive effect. It hasn't contributed to inflation—inflation numbers continue to be very low, despite the substantial increases in the minimum wage—nor has it contributed to what the Conservatives always trot out: "Oh, it will result in job losses." In fact, it's had the opposite effect.

Putting more money in the pockets of the lowest-paid workers means that they have more money to spend in the local community on the essentials like paying the rent, like purchasing food, like purchasing other essentials that make the local economy go around. Increasing the minimum wage would in fact be of great benefit to the small business operators in all kinds of local economies. If you think about it, it is only logical. People who work for the minimum wage can't afford to take a vacation in Florida. They can't afford to own a time-share in California. In fact, in many cases they can't afford to go to the next community over, whether it's 50 kilometres away or 100 kilometres away, to do their shopping. They make their purchases in the local community and any money that they get in their pockets, they spend. They can't save it. They don't have an adequate income to save. They spend it almost immediately in the local economy. So if you want to help the local economy, if you want to be more supportive of small business in the local economy, if you want to ensure that there are more people going into the food store, more people going into the furniture store, more people purchasing clothing and the other necessities of life, increase the minimum wage.

There is a huge disconnect between what this government says and what is actually happening out there. This government says that providing for a maximum 60-hour

workweek won't result in a 60-hour workweek, but it will. There are employers out there who will immediately jump on it and say, "You're working 60 hours," and that competitive positioning will force other employers to do the same or to do similar. Freezing the minimum wage means that the lowest-paid workers in the province, of which there are at least 300,000, cannot fully participate and cannot fully contribute to the economy or to the community.

What we have put forward here is a package which looks at minimum wage, which says that the standard workweek should be 40 hours and beyond that should be overtime, which provides adequate parental leave, which provides adequate family crisis leave, and which also looks toward the other essentials of a modern economy: access to training, access to adequate child care, access to the other employment opportunities which help us all to become more productive. We're very pleased to be able to put this initiative forward because we believe these kinds of initiatives for the real world of work are long overdue in the province now.

The Speaker (Hon Gary Carr): Mr Christopherson moves "That, in the opinion of this House, the government should stop its attacks on the hard-won achievements of working Ontarians, and instead amend the Employment Standards Act to include the following steps toward creating family-friendly workplaces."

Mr Gill: Dispense.

The Speaker: Dispense?

Interjections: No.

The Speaker: "—an increase in the minimum wage to \$7.50 per hour;

"—a reduction of the standard workweek, after which overtime premiums apply, from 44 to 40 hours and the right to refuse overtime in excess of the new standard workweek;

"—one full year of combined pregnancy and parental leave, with full job protection during the leave period;

"—10 unpaid days of family responsibility leave for all employees;

"—pro-rated benefits for part-time workers; and

"That this House demands that the government rebuild the Ministry of Labour's enforcement capacity by hiring new officers to fill all the employment standards positions that have been cut since 1995; and

"That this House calls on the government to consult the people of Ontario on further measures designed to help working Ontarians achieve a better balance between work and family responsibilities."

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members; this will be a 10-minute bell.

The division bells rang from 1749 to 1759.

The Speaker: Mr Christopherson has moved opposition day number 4. All those in favour of the motion will please rise and be recognized by the Clerk.

Ayes

Agostino, Dominic	Di Cocco, Caroline	Martin, Tony
Bartolucci, Rick	Dombrowsky, Leona	McMeekin, Ted
Bountrogianni, Marie	Duncan, Dwight	Patten, Richard
Boyer, Claudette	Gerretsen, John	Peters, Steve
Bradley, James J.	Hampton, Howard	Pupatello, Sandra
Bryant, Michael	Kormos, Peter	Ramsay, David
Caplan, David	Lankin, Frances	Ruprecht, Tony
Christopherson, David	Levac, David	Sergio, Mario
Churley, Marilyn	Marchese, Rosario	Smitherman, George
Curling, Alvin	Martel, Shelley	

Chudleigh, Ted	Kells, Morley
Clark, Brad	Klees, Frank
Coburn, Brian	Marland, Margaret
Cunningham, Dianne	Martiniuk, Gerry
Dunlop, Garfield	Maves, Bart
Ecker, Janet	Mazzilli, Frank
Elliott, Brenda	Molinari, Tina R.
Flaherty, Jim	Munro, Julia
Galt, Doug	Murdoch, Bill
Gilchrist, Steve	Mushinski, Marilyn
Gill, Raminder	Newman, Dan
Hardeman, Ernie	O'Toole, John

Spina, Joseph
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Tumbull, David
Wettlaufer, Wayne
Witmer, Elizabeth
Wood, Bob
Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 29; the nays are 46.

The Speaker: I declare the motion lost.

It now being 6 of the clock, this House stands adjourned until 6:45 pm.

The House adjourned at 1801.

Evening meeting reported in volume B.

Nays

Arnott, Ted	Hastings, John	Ouellette, Jerry J.
Baird, John R.	Hudak, Tim	Runciman, Robert W.
Barrett, Toby	Jackson, Cameron	Sampson, Rob
Beaubien, Marcel	Johnson, Bert	Snobelen, John

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Marie (L)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton West / -Ouest	Christopherson, David (ND)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Beaches-East York	Lankin, Frances (ND)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguee aux Affaires des personnes âgées et à la Condition féminine
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton Centre / -Centre	Spina, Joseph (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
Brant	Levac, Dave (L)	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
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CONTENTS

Wednesday 29 November 2000

MEMBERS' STATEMENTS

Affordable housing	
Mr Caplan	5919
Firefighters	
Mr Mazzilli	5919
Mr Levac	5919
Phil Panelas	
Mr Galt	5920
Rabies	
Mr Ramsay	5920
Oak Ridges moraine	
Ms Churley	5920
North Simcoe Victim Crisis Services	
Mr Dunlop	5920
Water quality	
Mr Patten	5921
John McMahon	
Mr Coburn	5921

REPORTS BY COMMITTEES

Standing committee on government agencies	
Report deemed adopted	5921
Standing committee on justice and social policy	
Ms Mushinski	5921
Report adopted	5922
Standing committee on regulations and private bills	
Mr Dunlop	5922
Report adopted	5922

FIRST READINGS

Ontario Firefighters' Week Act, 2000, Bill 150, Ms Mushinski	
Agreed to	5922
Ms Mushinski	5922
What is Good for the Goose is Good for the Gander Act, 2000, Bill 151, Mr McGuinty	
Agreed to	5923
Mr McGuinty	5923

STATEMENTS BY THE MINISTRY AND RESPONSES

Firefighters	
Mr Tsubouchi	5923
Mr Levac	5924
Mr Kormos	5924

ORAL QUESTIONS

Nursing staff	
Mr McGuinty	5925
Mr Harris	5925, 5928, 5929
Mr Hampton	5928
Ms Lankin	5928

Academic testing

Mr McGuinty	5926
Mr Harris	5926

Property taxation

Mr Hampton	5927
Mr Harris	5927
Mr Lalonde	5933
Mr Clement	5933

Ambulance service

Mr Bradley	5929
Mrs Witmer	5929

Ontario's Promise

Mr Arnott	5929
Mrs Marland	5929

Long-term care

Mr Conway	5930
Mrs Witmer	5930

Fire protection services

Mr O'Toole	5931
Mr Tsubouchi	5931, 5932
Mr Levac	5932

Water quality

Ms Churley	5931
Mr Harris	5931

Services for the developmentally disabled

Mr Beaubien	5933
Mr Baird	5933

Sports and recreation funding

Mrs Munro	5934
Mrs Johns	5934

PETITIONS

Fire protection services

Mr Bartolucci	5934
Mr Gerretsen	5936

Northern health travel grant

Ms Martel	5935
-----------------	------

Protection of minors

Ms Mushinski	5935
Mr Gill	5936

Safe streets legislation

Mr Peters	5935
-----------------	------

Diabetes

Mr Tascona	5935
------------------	------

Education funding

Mr Ruprecht	5936
-------------------	------

Registration of vintage cars

Mr O'Toole	5936, 5937
------------------	------------

Private universities

Mrs Papatello	5936
---------------------	------

Ontarians with disabilities legislation

Mr Peters	5937
-----------------	------

OPPOSITION DAY

Employment standards, opposition day number 4, Mr Christopherson	
Mr Christopherson	5937
Mr Gill	5940
Mr Martin	5941
Mr O'Toole	5942
Mr Agostino	5944
Mr Coburn	5947
Mrs Boyer	5948
Mr Galt	5950
Mr Cordiano	5951
Mrs Dombrowsky	5952
Mr Bradley	5953
Mr Hampton	5954
Motion negatived	5956

OTHER BUSINESS

Visitors

Mr Mazzilli	5923
-------------------	------

TABLE DES MATIÈRES

Mercredi 29 novembre 2000

PREMIÈRE LECTURE

Loi de 2000 sur la Semaine des pompiers de l'Ontario, projet de loi 150, M^{me} Mushinski	
Adoptée	5922
Loi de 2000 affirmant que ce qui vaut pour les uns vaut pour les autres, projet de loi 151, M. McGuinty	
Adoptée	5923

JOUR DE L'OPPOSITION

Normes d'emploi, jour de l'opposition n^o 4, M. Christopherson	
M ^{me} Boyer	5949
Rejetée	5956



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of Ontario**

First Session, 37th Parliament

**Assemblée législative
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Première session, 37^e législature

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of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 29 November 2000

Mercredi 29 novembre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 29 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 29 novembre 2000

The House met at 1845.

ORDERS OF THE DAY

CORRECTIONS ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR LA RESPONSABILISATION EN MATIÈRE DE SERVICES CORRECTIONNELS

Resuming the debate adjourned on November 28, 2000, on the motion for second reading of Bill 144, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole / Projet de loi 144, Loi visant à instituer la responsabilisation au sein des services correctionnels, à obliger les délinquants à démontrer qu'ils ne font pas usage de substances intoxicantes, à fixer les règles que doivent suivre les délinquants pour mériter leur libération, à permettre à la Commission des libérations conditionnelles d'intervenir dans les décisions en matière de libération méritée et à changer le nom de la Commission des libérations conditionnelles.

Mr John Gerretsen (Kingston and the Islands): I'm very pleased to join the debate this evening, and I'm very pleased to see that the Minister of Correctional Services is in the House as well. Hopefully he can respond to some of the questions I have in this regard.

Speaker, as you know, I am from Kingston—Kingston and the Islands. Although Kingston was at one time the capital of Canada, it is also known to a lot of people in Canada as sort of the prison capital of Canada. Until recently, we had seven federal institutions within my riding. With the closure of the Prison for Women it has now been reduced to six institutions: the Kingston Penitentiary, the Collins Bay pen, the Frontenac Institution, the Joyceville Institution, the Pittsburgh Institution and Millhaven, which is fairly close to the Kingston area. As a matter of fact, I suppose in my community there are 3,000 people, or maybe even more than that, who in one way or another work within the federal prison system.

As the minister knows quite well, both he and I were raised and brought up within a stone's throw of Kingston Penitentiary, if I'm not mistaken. As a matter of fact, I

was raised in a village called Portsmouth at the time, which is now part of the city of Kingston, and back in the 1950s and early 1960s, I would say that probably about half of the people employed in that village were working for the penitentiary system. Let me first of all say that I think the people who work in corrections, whether they are working for the federal system or for the provincial system, ought to be admired. They've got a tough job. The vast majority of them do their work in a very professional and expert fashion. I think that should be stated at the outset, because if you read the auditor's report and some of the criticism he has made of the provincial correctional system, one would perhaps get the impression that that is not so. Let me categorically state that most of the people I know from my community who have worked in the correctional system are top-notch individuals who carry out their duties, sometimes very difficult duties, in a very professional manner.

We all know that this government talks a good line in being tough on crime, and as the minister of corrections so aptly pointed out, the only individuals or inmates that he is concerned about within the provincial system are those people who have been sentenced to two years less a day. If you get sentenced by a judge to more than two years, you're automatically part of the federal system. So at the outset, let it be known that the inmates in our provincial institutions are not violent criminals. The auditor quite correctly points that out as well, and I'll have some more comments about that later on. They are not violent criminals. That's number one.

Hon Rob Sampson (Minister of Correctional Services): That's not what Levac says.

Mr Gerretsen: Minister, you will have your opportunity later on.

There's this whole debate between private and public sector involvement in our penal system, and I suppose there are a lot of good arguments on both sides of the issue. But let there also be absolutely no doubt that the main reason for privatizing is, first of all, to make a profit for whoever the private operator of the institution is. Let there also be no doubt that if we do privatize, as has been shown in other jurisdictions over and over again, there will probably only be about two or three different companies that will have any interest in the privatization of it and eventually you're more or less setting up a monopoly situation whereby basically the private entrepreneur that operates the prisons will be calling the shots, and not the government.

Let me also very quickly state that I do not believe our prison system, federal or provincial, ought to be privatized. The reason for that is quite simple. When we send somebody to prison, it is society that sends them to prison. They have broken the rules of our society as enacted through our criminal law and our various other statutes, and it is society that basically wants to ensure that these people are punished and that they are rehabilitated. That should be the primary purpose of incarceration, and it is the primary purpose of incarceration. That is society's function, and that is not something to be just easily pushed off to the private sector. The main reason for that is the lack of accountability within the private sector in doing society's job. I think that basically says it all.

1850

I know the government has a different belief. They ultimately believe in the privatization of an awful lot of public sector activities. For some of them, I can even understand that there's an argument, but not in this particular case. It is society that punishes individuals for breaking our rules and it should be society, through the government, that basically oversees that the punishment is meted out, that offenders spend their time and that ultimately, and hopefully as part of spending that time, they will be rehabilitated so that they will not reoffend. That is what's totally lacking if you privatize the system. I'll have some more to say about that later on as well.

It was also very interesting to hear the Minister of Correctional Services the other night—I believe it was election night. Before I went to our own victory party for my Liberal candidate in the Kingston area, Mr Peter Milliken, I listened to him for a little while on television, around 7 o'clock that evening. There were two points he made that I found rather strange. One deals with the issue that somehow he left the impression, or he stated so categorically, that federal inmates, when they are released—there's an automatic parole provision for the time that their sentence still has to run and that isn't so in the case of provincial inmates. When they are released, they are free to do whatever they want.

Quite frankly, that's his choice. It's his choice. If he wants to make sure those people are under supervision under the provincial parole system, he can enact that. He has a choice and he can choose not to do so because, as I stated before, in a lot of these cases these people are not violent criminals etc. But he has the choice to hire enough parole officers to make sure these people do have some supervision while they serve the last third of their sentence out in the general public, and he chooses not to. Don't use that as a reason for saying, "Well, you know, somehow we don't have a choice." He does have a choice.

The other thing I found interesting is, I took the time today to review section 6 of the Prisons and Reformatories Act, which is the federal act, and looked at section 28.1, and exactly the same criteria are being used. As a matter of fact, the same wording is being used in both sections. Somehow he's suggesting you earn remissions

under different rules and conditions which govern "temporary absence and by actively participating in programs, other than full parole, designed to promote" the inmate's "rehabilitation and reintegration." It's exactly the same in both acts, sir. There is no difference.

Let's take a look at the record of this government. The record of this government is shown in no better way than to review the recommendations of the Provincial Auditor that he came out with just a week or so ago. Once again, for those people who may be watching, the Provincial Auditor is an officer of this assembly. He is not hired by the opposition. He's not hired by the government. He's an independent officer of this assembly. Let us just look at what he has to say about the audit conclusions he has come to when he's looked at the Ministry of Correctional Services.

I'm going to take some time with this because, to me, it's almost as if—and I hope this is not correct—we're allowing the provincial system to get so bad that privatization would appear to be the only answer. I hope the minister is not allowing all of the problems the auditor refers to in his report to happen so that he can then legitimately or otherwise come into this House and say, "There's no other solution but to privatize." Let me just read you what he says. This is on page 74 of his report, and these are not my words but his words:

"Overall, we concluded that the ministry's systems and procedures were not adequate to ensure institutional resources were managed with due regard for economy and efficiency, nor to ensure services and programs were delivered in accordance with legislative and ministry requirements."

That is a complete condemnation of the current system. It may very well be that the current minister shouldn't be held totally responsible—although in his position he is—because I realize he's only been there a year and perhaps some of these problems the auditor talks about in his conclusions go well back further than that. But his government has been in power now for six years and they collectively have to take some responsibility for the auditor's comments and observations.

This deals with the building of a private institution that the government has allowed to happen, and he goes on to say: "The ministry's decision to finance and construct two 1,200-bed correctional institutions that cost \$180 million was not supported by a sound business case assessing the risks, costs and benefits of all feasible alternatives."

This is a government that likes to pride itself on business plans, that comes in here in a very sanctimonious way annually and says, "These are the business plans for these ministries for the next year or so." What does the auditor say? Let me just repeat that again. He says that the cost of "\$180 million was not supported by a sound business case assessing the risks, costs and benefits of all feasible alternatives." He says: "At the time of our audit, the cost to build the facility had increased from \$5 million to \$9.5 million." We have a building here, a new cooking facility in one of the institutions, that came in at

twice the cost that was originally tendered out for the contract.

The other thing that's interesting is there's been a decline in the average inmate count in recent years of some—what is it again? They go into the actual numbers. I think it's from 6,000—I want to quote that correctly, and I don't want to take too much time looking for it; here it is—from 8,600 to 8,100 inmates, and yet the cost of operating has gone from \$388 million to \$463 million.

Now, when we come to the other program side of things—because ultimately the hope surely is that people are rehabilitated so that they will not reoffend. Surely we can all agree on that. There has to be punishment and there has to be rehabilitation so that they become good citizens, taxpayers, as the government would like to say, and at least not become a further burden on society.

What do they say about those programs? The auditor says, "The ministry has not effectively utilized its community programs, which are ... to provide non-violent offenders with opportunities for successful reintegration into the community.... The under-utilization of community programs resulted in the ministry forgoing significant potential savings of as much as \$50 million a year." Fifty million dollars—not my figures, not the government's figures, but the auditor's figures.

He goes on to say, "The ministry did not ensure that its security measures were adhered to and that timely corrective action was taken in cases of non-compliance. About 60% of its 47 correctional institutions had security non-compliance problems that had not been rectified for up to two years."

The question I have is, Minister, are you allowing the system to deteriorate to such an extent that to the average member of the public nothing is possible other than privatization? This is almost unbelievable. Sixty per cent of the 47 correctional facilities that are being operated by this ministry had "security non-compliance problems that had not been rectified for up to two years." For that, surely, there's absolutely no excuse.

Further on, on page 82, "... \$400,000 was paid to the contractor beyond the contract price for security custody services." This is the facility that was built as a young offender facility, you may recall, Speaker. The auditor goes on to say, "Our examination of the contract did not reveal any provision for payments beyond the contract price." There was no provision for paying beyond the contract price and yet an additional \$400,000 was paid.

"The ministry was not verifying invoiced amounts against the contract. It had been overpaying the contractor by \$24,000 per year for after-care services until we brought the overpayment to its attention," said the auditor.

1900

I could go and on and on. Unfortunately, there isn't enough time. But here is just one other item. "Our examination revealed that Ontario's success rate with the temporary absence programs over the eight years remained unchanged at about 97%." So 97% of the inmates we want to reintegrate into society so they won't offend

again, so they won't cost us \$50,000 or \$95,000 per year—97% of those programs were successful. Let me just tell you about the other 3% where it wasn't successful. It goes on to say "with the failures attributed mainly to technical violations such as missing a curfew. Ministry staff indicated that there was not one case of an offender reported to have committed a serious crime while on temporary absence."

Now let me make it absolutely clear. I know the traumatic effect that crimes can have on individuals. My own home was broken into on three separate occasions during the 1980s, and I can tell you the traumatic effect it had on my young children, my wife and myself at the time. It is not a very pleasant experience. Surely in our society we can depend, if nothing else, on the safety of ourselves and our family. So any suggestion by the other side that somehow we are soft on crime is absolute nonsense.

I would just ask the minister to take the auditor's report and implement the recommendations he's making and look at the areas that he, in an objective way, has found his ministry to be at fault with and deal with those. Let's get rid of the political rhetoric, both on my side and on his side, and deal with the recommendations the auditor has made. Many of the problems he has referred to are as a result of a situation that I can only describe as trying almost to undermine the system. I sincerely hope that is not the case, because the charges the auditor has made are very severe and very serious. There is no absolutely no assurance that by privatizing the system you're going to make any of that better. As a matter of fact, study after study indicates that it will probably get worse.

I think the first thing that has to happen, after the recommendations the auditor has made in his report are implemented by the ministry so that we don't have to look at such a negative report again where the taxpayer definitely isn't getting value for money, is to build up the morale of the people who work for you. I mean that quite sincerely. I am absolutely convinced that the more you talk about privatizing the prison system, privatizing other aspects of the public service, all you are doing is hurting the morale of the people who work for you. That isn't doing anybody any good. That is hurting society, it's hurting the people they're there to protect and rehabilitate, it's hurting the taxpayer and it's not doing anybody any good whatsoever.

Society demands that people adhere to the rules we've set through the Criminal Code and various other acts, and if they don't, I believe sincerely that it's up to society, through its various correctional services, whether federal or provincial, to make sure that the individuals are treated with respect, serve their punishment, serve their sentences, but are also given the best possible chance at rehabilitation. The auditor has clearly pointed out that is not the case. I suggest to the minister that the first thing he should do is implement the recommendations of the auditor before he gets involved in any further privatization efforts.

The Acting Speaker (Mr Bert Johnson): Comments and questions?

Mr Peter Kormos (Niagara Centre): The member indicated he was hopeful that the Solicitor General and the Minister of Correctional Services and the Attorney General and the government weren't trying to create a crisis in corrections. I admire his hope, but I suggest to you it's rather feckless. No matter which way you look at it, the evidence is clear: this government has gutted publicly accountable corrections in Ontario. It is creating a Snobelenesque crisis, all with one goal in mind, and that's to turn this over to their for-profit, private corporate friends—operators like Wackenhut and Corrections Corp of America—so that those operators can move in from the United States and operate corrections for profit here in Ontario.

The sad thing about Bill 144 is that it has nothing to do with corrections, it has nothing to do with rehabilitation, it has even less to do with making the workplace safer for correctional officers or, least of all, making communities safer, protecting families, seniors and kids in communities across Ontario. This Minister of Correctional Services displays a complete absence of interest and enthusiasm in corrections and rehabilitation. His sole function very much appears to be to gut corrections in Ontario, create a crisis and sign over every jail in this province to Mr Harris's corporate, for-profit American corrections operators, the Wackenhuts and the Correction Corps of America.

Hon Mr Sampson: I want to thank the member for Kingston and the Islands and the member from The Sky is Falling over there.

I do want to speak to the member from Kingston and the Islands. I want to read for him the sections of the Prison and Reformatory Act that he was referring to. These things are sometimes difficult to read as legislation, so what you do is go to the annotations, which are the editor's notes.

Interjections.

Hon Mr Sampson: I'm just saying that sometimes the editor's notes are helpful in understanding the legislation, so I'll just read from them. It says, "Although the Corrections and Conditional Release Act of 1992 effectively abolishes a program of remission for inmates serving sentences of two years or more, the program of earned remission established under this section has been maintained for inmates serving sentences of less than two years." When you go to that section, it says, "Where remission is credited against the sentence being served by the prisoner, the prisoner is entitled to be released from imprisonment before the expiry of the sentence." That's the federal act, my friend.

To say this is somehow an act we've built and managed—it's not. It comes right from the top, right from your colleagues who are now sitting in the seat of power in Ottawa, who have refused to listen to our pleas to change this act and a number of other acts so we can get legislation in this country and in this province that properly deals with criminals and puts victims first.

I say to the members from both sides, from Kingston and the Islands and from The Sky is Fallingville over there, that "rehabilitations were not adequately identified, planned or executed and assessed." That was the auditor's report when you were in power, sir. So you didn't do rehabilitation programs effectively then, and I say to the member—

The Acting Speaker: The time has expired. Comments and questions?

1910

Mr David Caplan (Don Valley East): It is indeed a pleasure to comment on the remarks of my colleague from Kingston and the Islands. I think he understands rather better than the minister of corrections, who gets his marching orders from Stockwell Day. We've seen what the people of Ontario have to say about Mr Day and the agenda of the right. It's very clear that the minister wants to take us down memory lane, but we just had, within the last week, the Provincial Auditor talk about the mismanagement of the corrections system for six long years under Mike Harris. So why the minister won't stand up and talk about what his record is, what he's doing, and tries to divert attention away is absolutely mystifying—well, it's not, because it's an abysmal record. Here's the record. The costs have skyrocketed when the number of inmates has gone down. The auditor said that rehabilitation and correction programs for inmates are not available and are not carried out.

In the bill, the minister suggests developing these local monitoring boards, which are very interesting because they have a very Machiavellian purpose. The minister is going to privatize jails. We all know what a disaster that has been in the United States. We know what a disaster it has been here in Ontario, frankly, at Camp Run-Amok up in Simcoe region. So what they're proposing to do is to set up these local monitoring boards and, when things fall apart, the minister of corrections is going to stand in his place and say, "It's their fault, because it wouldn't be us." This minister and this government run away from their responsibilities. They point fingers at everybody else—the federal government, the opposition, the media—anybody but themselves. I think I should buy a mirror for the minister of corrections and for members of the cabinet so they can find out where the blame really goes.

The Acting Speaker: The member for Kingston and the Islands has two minutes to respond.

Mr Gerretsen: I think the people of Ontario are sick and tired of having a minister of the crown stand up and say, "You should have heard what the auditor said in 1985." People are not interested in ancient history. People are interested in how you are operating the system now, and have for the last five years, and what you're going to do in the future to correct the problems that are identified by the auditor.

You talk about putting victims first. Start putting some resources into your victims' rights office. Start doing that. Oh no, you're fighting crime: squeeze bills and all sorts of other very meaningful acts. Do something mean-

ingful for victims and put the proper resources into the victims' rights office.

I don't know what the local monitoring board is supposed to do, although I concur with my friend here from Don Valley East that it's probably just a mechanism so these people can supervise or somehow keep an eye on the privatized jails. If it's something other than that, let me tell you what has been operating within the federal system for at least the last 20, if not 25, years. There have been citizen advisory committees that act as a liaison between the inmate population, the management side of things, the warden, and the community, and they've operated extremely well in the Kingston area. I and many other people in our community have been on these various boards. If that's what you mean by a local monitoring board, then go right ahead, but I somehow don't think that's what you've got in mind.

Sir, you didn't address for one moment some of the major concerns, of which I've only identified a few, that the auditor revealed in his report. When are you going to do something about it and when are you going to do something positive for the morale of the people who work for you within the ministry?

Mr Doug Galt (Northumberland): On a point of order, Mr Speaker: I believe the rotation comes to the Conservatives next.

The Acting Speaker: Not usually. The Chair recognizes the member for Niagara Centre.

Mr Kormos: Thank you, Speaker. It's a good thing I was here, isn't it? They would have tried to scoop the very limited period of time I have to speak to this. They would have scooped it right out from underneath me—no interest in having opposition members address their crummy legislation. No. My goodness, Speaker. Thank you kindly for your astuteness.

I'm going to tell you right now we're not going to support this legislation. This is silly, phony-baloney. This is the Son of Parental Responsibility Act. This has nothing to do with corrections or rehabilitation; this bill has nothing to do with making our communities safer; this bill has nothing to do with lowering recidivism rates. This bill is part of the groundwork that has to be laid before the private sector will take over, for profit, Ontario's prisons.

I understand the Solicitor General's sensitivity to the auditor's report—heck, never mind just corrections; half a dozen other ministries as well. This is the most damning auditor's report I've seen here in 12-plus years, and that's over the course of governments of all three political stripes—the most damning. The auditor writes with a tone of shock and horror. This isn't just a matter of, as has happened with every government that has occupied this chamber, less than appropriate standards for governmental spending, less than the most efficient operation. The auditor is effectively saying that this Solicitor General, this Attorney General, this Minister of Correctional Services, this Premier, this government couldn't organize a drunk-up in a brewery, not even if they tried on a good day.

Take a look at some of the stats that have been referred to already. I don't need to refer; the numbers are so shocking that they're etched on my mind: a 6% reduction in inmate population, yet a 19% increase in costs. That's called businesslike management or operation of anything? Give me a break. Or the cook-chill facility. Oh, Mr Sampson was going to apply business principles to the operation of corrections. He was going to build his cook-chill facilities and make inmates' meals all in one location, to be distributed to 10 institutions, wasn't it, Mr Sampson? What happened with the cook-chill operation? Original estimates of \$5 million turned into \$9.5 million—almost double. These guys blew \$4.5 million. Even then the auditor tells us they're—what?—1,000 meals short, that the needs of the not 10, but six, institutions they ended up being able to service would have required 16,000 meals daily. All they could produce were 15,000; they were 1,000 meals short. Never mind that equipment costs for retrofitting, estimated at less than \$100,000, grew into \$3.9 million—an estimate of \$100,000 grows into almost \$4 million of taxpayers' money. It's no wonder the tone of the auditor was one of shock and revulsion, horror, at the inability of this government, yes, to organize a drunk-up in a brewery.

1920

What about Camp Turnaround? What do you call it, my friends? Camp Run-Amok? Camp Getaway. Is that the same one I'm thinking of, Minister of Correctional Services, the young offender get-tough facility where your staff leave the door unlocked, leave the van parked, keys in the van, half a tank of gas and probably a few bucks in loonies and toonies in the ashtray so the kids have something to spend when they're out on the lam? My goodness, that's tough security. Leave the keys in the van and leave the door unlocked so it doesn't require any ingenuity to get out of your get-tough facilities. You don't need a board of parole to supervise the elimination of statutory remission. You've made release from jail automatic. You leave the door unlocked, you leave the keys in the van, half a tank of gas and enough spare change in the ashtray to get them through a McDonald's checkout drive-by. Please. It is incredible that this government, this minister can purport to have any handle at all on his Ministry of Correctional Services, never mind the fact that Camp Getaway, Camp Run-Amok, Camp Turnaround—they didn't turn around, Minister. They kept driving. They just kept driving, saying, "Thank you very much, Mike Harris and government of Ontario, for leaving the door unlocked, the keys in the van, half a tank of gas and enough loonies and toonies in the ashtray to get us through a McDonald's drive-by checkout."

Take a look at the precise management and planning around Camp Getaway. Take a look at what the auditor says. This government, this minister, paid an excess amount of 400 grand to the contractor beyond the contract price for security custody services. They were telling us all along that this was a high-security, secure operation, that that's what they had contracted for, yet they're laying out 400 grand more of taxpayers' cash

because they bungled it in the first place, and they bungled it in the second place to boot. My goodness, the generosity, the largesse, Mr Sampson.

The Acting Speaker: Please refer to the members by their ridings.

Mr Kormos: The incredible largesse of this government, that is not only prepared to lay out 400 grand of taxpayers' dollars because Camp Getaway was a foul-up from the get-go, but then this government, this Minister of Correctional Services, is gratuitously paying a little pourboire to Camp Getaway, a little tip for the waiter—\$24,000 a year, two grand a month. And it took the auditor—thank goodness for Mr Peters—to discover it.

Some comment has been made about these local monitoring boards, and the minister would make a whole lot of ado about his new parole boards taking over the task of determining whether or not statutory remission will be granted or whether it will be effectively confiscated. What the minister does not tell us is that the Ministry of Correctional Services Act and the accompanying regulations create a scenario here in Ontario where misconduct by a prisoner can, has and indeed should result in revocation of statutory remission, conceivably up to the point where all statutory remission is eliminated. You see, he's not eliminating statutory remission. That's why I call this the Parental Responsibility Act, son of, part 2, because the fact is that as a disciplinary tactic, statutory remission can be revoked currently by the superintendent of the prison.

But you see, he's going to be turning over Ontario's prisons to his corporate, for-profit American friends. He's going to be turning them over to folks from Texas and Arkansas, the friends of George W. Bush, so they can run our prisons for profit. In the course of doing that, there's going to be a complete abandonment of the goal of rehabilitation in corrections. Inevitably, we're talking about inmates who are released in less than two years, because the only inmates the province has jurisdiction over are those who are serving sentences of two years less a day or less. These people are going to be back out on the street.

Where I come from in Niagara Centre, the folks down there know that's all the more reason to accentuate and to focus on rehabilitation during that relatively short period of time you've got them confined in your prisons, because they are going to be back out on the street. These aren't people serving 15-year and 20-year and 25-year sentences. This government abandons corrections and rehabilitation.

The government makes much ado about how it's going to drug-test these folks. What the Minister of Correctional Services neglects to tell you is that—once again, the Parental Responsibility Act Part 2, son of, child of, daughter of—the power to drug-test, in all but a few cases, is a power that currently exists. The bill clearly can't deal with prisoners in remand, because they're not convicted of anything yet. Persons on probation? Sure, they'll be drug-tested if indeed the probation officer imposed by the sentencing judge—it's got nothing

to do with this minister, this ministry or this government. Judges, for a long time, have been imposing sentences of probation which require probationers to submit to Breathalyzer tests and other tests as determined by a probation officer or on a regular basis. Nothing new there.

Conditional sentences: once again the bill makes it clear this government is going to do drug tests of people on conditional sentences if indeed the conditional sentence contains a term that the people be drug tested. We don't need this government's bill to do that, because if the conditional sentence already contains the term that the sentence is conditional on those people being drug-tested, they're being drug-tested anyway, without Mr Sampson's intervention, the Minister of Correctional Services.

His colleague the Minister of Community and Social Services went on the same sort of urine-testing orgy a couple of weeks ago. You know, he dumps out a boxful of syringes on a desk. I expected the Minister of Correctional Services to at least show up with a few urine sample jars when he was doing his plug for mass urine testing across the correctional system, but I beg to inform him that he hasn't created anything new here.

He's exploiting—now mind you, I understand the context in which the Minister of Community and Social Services and now the Minister of Correctional Services acquire this passion for the urine of the people of Ontario. After all, these guys are suffering major fallout and they've got major recovery to do with their own constituency base over their passion for a 42%—no, that was a 32%—oh no, it was a let's split the difference and settle for 17%—salary increase. Ouch. That one hurt, didn't it, guys? It bit you. It got you—you got yourselves. The whole Tory caucus is limping because they shot themselves not just in one foot but in both feet. You watch them spread-eagled, staggering down the hallways here after having shot themselves so thoroughly through both feet with their greedy little porcine bid for a 42%—no, we'll settle for 32%—oh, let's split the difference and make it 17%—salary increases.

They were smarting from this, so they've got to distract public attention, they've got to divert public attention, they've got to do a legerdemain. They've got to do a David Copperfield to make you look up there while they're doing something down here. They hope the public might stop thinking about the greed of the Ontario Tories' 42% salary increase—oh no, let's make it 32%—we'll settle for 17%. If they start talking about all those drug addicts shooting up on their welfare cheques and, oh yes, the drug problem in our prisons and, oh yes, we're going to test the urine of every single bloody one of them, then somehow the public is going to say, "Thank goodness the Tories are back on track. They're not the little porcine porkers that they revealed themselves to be when they were ready to dip deep into the public purse, into the public cookie jar."

The minister doesn't want this to go to committee and I dearly do. I want to hear from people in corrections

about what statutory remission means in terms of the power of a superintendent of a detention centre or jail or correctional facility, what the control a superintendent has over statutory remission means in terms of being able to maintain some degree of order and control in that correctional facility. I understand that he's got to take the power, because right now the superintendent of a facility has the power to take away statutory remission for misconduct by an inmate serving a sentence. The Minister of Correctional Services wants to take that power away from the superintendent. He wants to take it away from correctional officers. Correctional officers have been able to use that as a tool to maintain some level of control and safety in our prisons, but this minister wants to take it away from the superintendent and from correctional officers in our prisons. Why? Because he's going to replace those superintendents, those trained professional correctional officers with his \$6.85-, \$7.85- and \$8-an-hour private, corporate, for-profit, American Wackenhut and Corrections Corp of America kinds of workers.

1930

I was in his jail at Maplehurst, the megajail, the biggest jail in the country. He's worried about drugs? Well, he'd better pay attention to what he's doing in the megajail he's building in Milton, where there are going to be 400 transactions a day, that is to say, 400 inmates in and out of that prison.

The minister doesn't understand what's going on in our prisons. Are drugs a problem in our prisons? You bet your boots they are. Is urine-testing inmates going to solve the problem? Not by a long shot. Please, Minister, how do you think the prisoners are getting hold of drugs? The drugs are going in with those transactions that occur on a daily basis, and you've de-staffed correctional services to the point that our correctional officers can't adequately screen and control the inflow of drugs as it exists today, and they are going to be more understaffed with your privatized megajail in Milton, and in Lindsay and Penetanguishene, to the point where those places are going to become shooting galleries for druggies under the privatized, corporate, for-profit correctional system this minister is building here in Ontario, at great risk to the safety of communities across this province and with complete abandonment of corrections and rehabilitation.

I want committee hearings, but the minister doesn't. I want to talk about how drugs are getting into jails, why they're getting into jails and what the impact is. Trust me, correctional officers don't want drugs in their jails, because they create those incredible cauldrons of potential violence.

This minister wants fewer correctional officers. He wants them more poorly trained, he wants correctional officers who don't have the professional qualities our correctional officers in the public sector now have. I'm talking about the kind of correctional officers I'm going to be with tomorrow morning at Mimico Correctional Centre in west Toronto, when correctional officers at yet another Ontario correctional institution stand shoulder to shoulder with each other, with their families, with their

co-workers, with their colleagues, with their friends, with members of the community and protest this government's abandonment of publicly accountable, publicly funded, publicly run corrections in Ontario.

I know the correctional officers at Mimico, and I know they are professionals. I know they have more concern about drugs in our jails than this minister will ever have. But they're being denied the tools to control the flow of drugs into our jails, and they're the ones who have to deal with them. They're the ones who, with their sensitivities and their skills, can see the glazed eyes and realize that somebody is hopped up or starting to get off on whatever drug or pill or other thing he or she has ingested in our prisons.

I challenge this minister to have public hearings on this bill, to talk to professionals in the area, to talk to our professionals in the correctional system here in Ontario. I challenge this minister to have public hearings and stand up and explain why he's abandoning rehabilitation and corrections. I want this minister to engage in public hearings to explain why his gross mismanagement of corrections has had the result of a hemorrhage of millions and millions of dollars from the public purse in a correctional system that's been increasingly gutted in Snobelenesque style, so that this minister can create a crisis in corrections and justify handing it over to his corporate buddies, those corporate sponsors of the Ontario Conservative Party, the ones who pay the big contributions and who stand to make the big bucks at the expense of the people of this province.

The Acting Speaker: Comments and questions?

Hon Mr Sampson: I listened very intently to the member for Niagara Centre. I must say that I think I should rush out and cancel my subscription to the Comedy Channel, because I've had a chance to listen to him for a while. I'm sure people who are watching were as amused as I was.

I say to the member for Niagara Centre, you ranted on about treatment programs and rehabilitation programs, but do you know what? When you guys had a chance to change the system because the auditor said you needed to change the system, you didn't do anything.

The member wants to know whether we are prepared to deal with treatment and rehabilitation programs in the institutions.

Interjection.

The Acting Speaker: Order.

Hon Mr Sampson: Of course we are. The fundamental component of the reform we're trying to speak to in corrections is to make sure some correcting happens.

Interjection.

Hon Mr Sampson: I say to the member opposite: exactly, it is not happening now, which is why you need to make the reforms to get it to happen.

Interjection.

Hon Mr Sampson: To the member opposite, I'm sorry, when you were in government for a lot longer, you didn't do a thing. You weren't even prepared to recognize the system had a problem. In fact, the member who

sits behind you in this Legislature took the chance to stand on just about every soapbox he could find—he didn't leave a soapbox unstood upon—and say the correctional system in Ontario is a model for other jurisdictions to follow. He said that.

Interjection.

Hon Mr Sampson: He said that two weeks ago—two weeks ago—and then the auditor's report comes out and what does he say? "It's a mess." I say to the member opposite, that was two weeks from here to there, two weeks. That's tremendous. You were able to hold a position for two weeks. Usually it's two hours. Sometimes it's two minutes. Sometimes when you say something, like you did on the education bill, we have no idea what it means. "I'm going to vote for the bill" means "I'm not going to vote for the bill." Take a position. Take a lane and drive, will you?

Mr Alvin Curling (Scarborough-Rouge River): Each time I've listened to the member for Niagara Centre, I have learned so much because of his intensity and commitment to this cause. I really can't believe the minister, who was inside here, speaks like that. That's the same minister who, not only on his watch, but if you check the correctional institutions today, the turmoil of his personnel is appalling. They've come here and tried to address their personnel matters. The staff have been demoralized by this minister.

This minister, who from time to time has not addressed any of the issues, now thinks that if he privatizes this institution, he will have solved this problem. That's how this government behaves. If we privatize everything, then we don't have a problem because we'll have somebody else to blame. Basically that's what this government does. It finds people to blame. If it is not the federal government, if it's not the municipalities—they won't blame the private sector, because they're trying to move it in that direction.

I was very pleased when I heard the member for Niagara Centre speak about some of the issues in there. If we as a Parliament decided to go out and have public hearings, there's so much we could learn about what's happening inside there. But they don't want to hear the truth at all. What they would like to do is pass it on to their friends in the private sector and to feel they have solved this.

Public hearings are one of the best aspects of the democratic process, because the fact is that—

Mr Galt: We're way ahead of you. Why didn't your government do it?

Mr Curling: There the member goes again, asking, what about our government? They have been there six years. They have made this thing worse. I would say to you, take the time and be more democratic in your approach. Have public hearings. You will learn so much, especially from the member for Niagara Centre.

Mr Galt: Once again I was very entertained by the member for Niagara Centre. As usual, there was no content to it. There was nothing you could get your teeth into, nothing you could follow. There was no substance

to it, but it was entertaining. There were lots of places for a good laugh and good drama, and I give high marks for that.

I heard a lot of talk about morale within the system and turmoil within the system. That didn't start yesterday, and it didn't start two years ago. That kind of turmoil with the staff has been there for 10 or 20 years.

Interjection.

Mr Galt: No, it didn't start five years ago, as I see being signalled across. It started long before that. It's been there for a long time. Your government could have done something about it, and your government could have done something about it. You had the opportunity and you failed miserably. You didn't do anything.

1940

They go on talking about concern. The member from Niagara Centre talked about concern about privatization. He's against privatization. It doesn't matter what comes along. He was in the government, but maybe he wasn't in cabinet when the social contract came along, when they broke absolutely every contract in the public service in Ontario. There wasn't a single contract they didn't break with that social contract. It's hard to believe he would then stand up and carry on like that about protecting the members of OPSEU. I think that's what he was doing when he opposed privatization.

I see some of the prisons being operated by private facilities. This will give an opportunity to do some comparing. There are all kinds of quotes and I'll use some when I speak a little later, about the advantages of private institutions: the experience in Scotland, in England, in various states. All around the world there have been successes. I'm quite disappointed to hear some of the comments made by the member from Niagara Centre.

The Acting Speaker: The Chair recognizes the member from East Don Valley.

Mr Caplan: Don Valley East, Speaker.

First, I want to congratulate the member from Niagara Centre on his comments. He hit the nail right on the head. There seems to be a trend with the Harris government in relation to the public services: create the turmoil, create the crisis, be it in the post-secondary sector, health care, education, corrections or environment. Then, as Mike Harris or his cabinet ministers or some of his backbench sheep would say, "We're impotent to do anything about this. We have to turn it over to the private sector because government can't do this."

We've been doing it very well for decades in this province. All of a sudden this merry band of right-wing Stockwell Day and Preston Manning acolytes comes along and what happens? The province goes to heck in a handbasket and we have to turn it over to somebody else because government has no role.

There is a very serious by-product to this, and it's something called accountability. Who is accountable when the government is not running things, when they turn it over to the private sector? We've seen this government turn over records from the Province of Ontario Savings Office to the private sector. Who was account-

able for that? The Minister of Finance says he wasn't. The former minister of privatization says he wasn't. This government, Mike Harris's cabinet and his backbenchers, do not like to be responsible for anything. They've got to have somebody else to blame.

We've assigned a number. They should just say, "Number 1," when they think it's the federal government. They should say, "Number 2," when they think it's one of the previous Liberal governments. Of course 2(a) would be David Peterson. They can say "2(d)," which would be Mitch Hepburn, going back about 60 years ago. Number 3 would be the awful socialist NDP government.

The Acting Speaker: The time has expired. I want to apologize to David. I'm not very good in French and going from Don Valley Est to English I thought would be East Don Valley. I'm sorry.

The Chair recognizes the member for Niagara Centre.

Mr Kormos: Part of me wants to say that the government just doesn't get it. They get it very well, though. They know exactly what they're doing. This isn't an accident, the Snobelenesque crisis. Take a look at what happened with the two new megajails, Penetanguishene and Lindsay.

The government screwed up the RFQs. The government went, "Oh my, this means we have to go ahead and build these institutions, these multi-mega-million dollar institutions with taxpayers' money so that our private political donors"—Wackenhut and Corrections Corp of America and their ilk—"can run them for a profit without bearing any of the cost of building the institution and without being exposed to any risk." That's what the auditor's report revealed. It exposed this government's plan to turn over corrections to those corporate, for-profit, inevitably American operators.

When the shareholders of Wackenhut meet once a year and address questions to the board of directors, they don't stand up and say, "Chairman of the board, how many people did you rehabilitate last year?" They don't stand up and say, "Chairman of the board, how many communities did you make safer last year?" The shareholders of Wackenhut and Corrections Corp of America, the Tory friends who are going to run our prisons for profit, stand up and say, "How much money did we make last year? Were we able to rip off the taxpayers of Ontario?" like we witnessed with Camp Turnaround, Camp Getaway, Camp Run-Amok, which have been ripping off the taxpayers, with this government's collaboration, to the tune of 24 grand a year—it's right here in the auditor's report—who scammed the taxpayers with the collaboration of this government to the tune of almost half a million, \$400,000, with this overrun and overcost on security. It's right here in the report.

The real criminals may not be the guys in our prisons. They may be among some of the people right here in this assembly.

The Acting Speaker: Further debate?

Mr Galt: I appreciate the opportunity to speak on this round. It was interesting to listen to the member from Niagara Centre, just a few minutes ago, talking about

screw-ups. I can tell you one that happened in my riding, planned by the Liberals and developed by the NDP. It was a multicare lodge. This was for the disabled, to be wheelchair accessible. How many apartments? I think there are five or six apartments you can get a wheelchair into. This is what they built for the disabled. It's for the frail and the elderly. It's connected with the hospital. The doors are not big enough to allow a wheelchair through. That's what they designed. That was the unholy alliance between the two parties and they did a really good screw-up job in that instance.

The member from Don Valley East and also the member from Kingston and the Islands were talking about spending. Their only response is, "Spend more, spend more." Talk about a hidden agenda in that party. The hidden agenda of that party, I'm sure, is that this province would go bankrupt if they ever got hold of the treasury again. It's a scary thought with what we have been through in balancing the books. Actually, balancing the books and the economic moves and changes we've made in Ontario are why the federal government has managed to balance its books. I challenge any member of the opposition to tell me what economic policies the federal Liberals have brought in other than the reduction of transfer payments to Ontario. Name me one economic policy they brought in to help balance the budget.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): They cut health care.

Mr Galt: They cut health care. You're absolutely right. That was transferred to the province. I have said this several times in here. They have yet to come back with a logical response.

Getting to the bill at hand, this bill is really about public safety and about honouring commitments, a hallmark of this government: Bill 144, the Corrections Accountability Act, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free—wow, something new; why wasn't that there a long time ago?—to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole.

A lot of this was in the Blueprint, the things the public voted on. Eleven million people voted here in Ontario—at least a portion of them. Here it is: "Parole: When it comes to letting a convicted criminal back on our streets, we think public safety and the rights of law-abiding people must come first." That's what this is about. "That's why we've set new and tougher standards for members of parole boards and for the granting of early release. It's just common sense that parole should be treated as a privilege, not a right."

That's very different from the federal government. Their attitude is that it's a right, that you should get out. Nine months when you have a two- or three-year sentence: it's most unfortunate but it is the way it's going.

I'm very pleased to speak on this bill. Certainly I'm on the side of the law-abiding citizens of Ontario, which is most of the 11 million people we have. I remember well

that in the throne speech the Honourable Hilary Weston understood as well. She is the Lieutenant Governor of our province. She made the comment that we have the right to be able to walk the streets "free from the fear of violence against their person, their families or their property", and she had it right. The opposition should recognize that somebody neutral coming out with a statement like that has a tremendous amount of meaning to it.

We feel that crime is an important issue. Obviously what we hear from the opposition is that they're on the side of the criminal, not on the side of the victim, and we see that over and over again with the comments they make here, particularly about some of the programs we have. Rehabilitation is a tremendously large part of this particular bill, the looking after, the testing for alcohol and drugs. How can you send somebody out on early release or even release them from jail if they're still on drugs or on alcohol? What are they going to do? They're going to go right back into the same kind of life, a life of crime, and I think that's indeed a shame. It's unfortunate.

1950

This legislation will certainly contribute to increased public safety by creating more efficient and accountable correctional institutions, some of which may be run by private companies. I am quite surprised with the opposition. Every time anything comes up about privatizing—somebody might make a profit out of running something more efficiently—they get all upset, and I think that's extremely unfortunate. Reoffending rates will be lowered by the efforts of the government and correctional institutions to ensure that these individuals who are released from prison are well prepared to become functioning and responsible members of society once again. One element of that is to ensure they are indeed drug-free.

It is interesting to see some of the figures on the amount of drugs and alcohol, at least the numbers of offenders, the numbers in jail who have been incarcerated who are indeed on alcohol or drugs or at least dependent on it. Of those who are serving their sentence in the community, some 61% are drug-dependent. Of those who are incarcerated in provincial institutions, some 83% are dependent. If you're going to release people who are to that per cent dependent, that's almost like 100%—that's more than four out of five—they certainly are going to back into, at least I would think, a life of crime. Part of the reason they're there is because they got on to drugs. Then the drug dependency drove them to break and enter so they could raise the money for their habit.

We're also being criticized, and as we look at our welfare, those on welfare who are on drugs can't get a job. So I think it's so ideal that we look at this and get them off drugs so they can get a job. Similarly with those who are in prison, if we get them off drugs, I think you'll see a lot fewer people incarcerated. I think the numbers in our prisons will go down significantly if, when they go back on the street, they are not dependent any more.

I think it's most unfortunate that the members in opposition, when they were in government, would allow this kind of illegal practice to continue in our prisons,

that they'd be able to take the drugs, get the alcohol, move into the prisons. This is certainly nothing new; this has been going for a very long time. With this they have to be tested, and if they either refuse the test or they test positive, then they lose that opportunity for early release.

This bill is about earning that opportunity for early release. This is a right; it is not a privilege. That should be a hallmark and it should be the way it is for parole and is going to be the way it is here in Ontario. Certainly there have been tremendous changes since we took office in the numbers that are getting out on parole and the length of time they have to serve out their sentence. It's approaching the full sentence consistently. Compare that with what's going on with the federal government, where it's certainly going in the other direction. Those who test positive on drugs are going to have the opportunity to move in and take some of the rehabilitation programs so they can get rid of that dependency. I look at the federal government and see what's going on there. They're letting their criminals out of jail really early.

I'd like to share a bit of a story with you. This, if you want to follow up and see the actual article, was in the Cobourg Star on November 13 this year. The incident occurred on November 11 at about 10 in the morning, at about the time that most good citizens were headed off to the cenotaph for Remembrance Day service. It seemed that a young couple, aged roughly 20, 22, had picked up a young man, and I believe his age was either 20 or 22, from Joyceville, the federal institution in Kingston. This individual was in for two years plus for drug trafficking and got out at 8:30 in the morning. It takes about an hour and a half to drive from there to the west end of Northumberland. What the police observed going on in the back seat of a Volkswagen was two people wrestling, a male and a female. They were going through a construction zone, so they couldn't get the car stopped for some five miles, but the intent was rape. When they finally got the car stopped they found this young man with his pants down, his underwear down around his ankles. They got the handcuffs on him and—this is in the paper if you want to read it, this isn't something Doug Galt is dreaming up—he got free in the traffic without his pants on before the police actually subdued him and got him back into the cruiser.

He was out on early parole after serving nine months of a two-year-plus sentence. That's what the federal government is doing: soft on criminals, hard on victims. This young woman and the young man who picked him up were his friends and this is what he was doing to his friends. This is out on early parole. The federal Liberals support this, and not only do the federal Liberals support it; the provincial Liberals also support that kind of activity. I think that's just a shame.

One of the plans we have as a government is to hire another 165 parole and probation officers over the next two years to monitor and ensure that our communities are indeed safe. I see a few smiles for my story, but I'd encourage them to read the Cobourg Star of November 13. It's on the front page of that particular paper. I was

horrified when I saw it. Thank heaven it wasn't somebody from Northumberland. It was actually a resident from Toronto who was being released from Joyceville and obviously on his way back to Toronto, but this happened on the 401 in Hope township.

We talk about private companies running our penitentiaries. I had the opportunity to visit Camp Turnaround about two years ago and I can tell you I was very impressed with what I saw: young men who seemed surprisingly happy there in jail. They were doing their exercises, they were doing their thing, they were being rehabilitated and they looked like a good group of young men. It's just unfortunate that they got on the wrong side of the law. But it was obvious to me that when they came out of there they were going to go on the right track, and that the private firm was going to ensure they went on the right track because, if they came back, if a high rate of return occurred, then they were going to lose dollars. Therefore it was to their advantage to make sure they were rehabilitated when they left so that the return rate would not be too high. If all of the institutions that are run by private companies are like Camp Turnaround, I think we're going to be very fortunate as we move down the road.

Certainly, it's the ethical and legal responsibility of our government and of our staff to ensure, whether it's a private institution or a public institution, that the standards are met. Standards have to be set because with the previous governments those kinds of standards were not there. There's been a significant improvement in the standards in the operations of these facilities. We're very committed to studying both systems to see how they function and to ensure that those standards of excellence and quality of operation of prisons are indeed there.

I mentioned earlier some of the other countries around the world that have been trying the privatization of prisons. I'd just like to read to you what's going on in a couple of those countries. One is in Scotland, for example: "Sources inside the Scottish Prison Service believe a dramatic shake-up of the penal system is imminent, caused partly by the success of Scotland's first privately run jail, HMP Bowhouse near Kilmarnock, which will be given a clean bill of health in its first official report from the Chief Inspector of Prisons." This "prison 'has the potential to set performance levels for the remainder of the SPS' and said it 'set a benchmark against which others could be measured.'" This came out in the Sunday Herald April 30, 2000.

In Doncaster, England: "Innovation, enthusiasm and positive methods of prisoner management have merited privately managed HMP Doncaster's description in a report published today as 'one of the most progressive prison establishments in the country.'" 2000

Then it goes on with another one, Altcourse: "HMP Altcourse, being a contract prison, has a number of advantages over public sector prisons in terms of its direction. Its contract lays down what is expected of it and how much that costs. To monitor that contract, there

is a contract compliance monitor, or controller.... Altcourse is not the first prison that I have left with a feeling of optimism, but never before have I listed 45 examples of good practice in a report."

Another one: "The results were quite remarkably positive, and confirmed what we, as a board, have reported over the previous two years. HMCIP said that Altcourse was 'by some way the best local prison that we have inspected,' and referred to it as a 'jewel in the crown' of the prison service. Such comments are, in our opinion, thoroughly justified and we take pride in congratulating all the staff here on such a marvellous achievement...." This is one of the visits that a board member was making. It just goes on.

I encourage the members of the opposition to look at some of these quotes and see what's going on around the world. Here's another one: "It is the intention of the Ohio Department of Corrections to ensure success of these two private prison operations. We have no reservations about achieving this success. If there are problems, our anticipation is that they will be minor and not unlike what we would experience in a state-run facility." This is from the director of the Ohio DOC in a letter to Minister Sampson back in March.

There are unlimited numbers of quotes that I could continue going through here of what's going on in some of these privately operated prisons. I, for one, think it's just an excellent idea.

We heard a lot here about morale and turmoil a few minutes ago, and certainly that is not new or unique in the prison system in Ontario. The high absenteeism, the low morale, they've been here for decades upon decades. I see something like privatization giving them an upbeat feeling and something to compare to, something to measure with, and I've certainly heard this from at least one guard.

As John Moffit once said, the issue is not public versus private; it is competition versus monopoly. I think that sums up that there's a real lack of competition in a lot of the public service, for example in the police services, and we're seeing it in my area where there's competition. They have to compete when there are new amalgamations, or at least often when there are new amalgamations. There's a town police force, some of the townships come in that have OPP, and so they open it up to that local force and to the OPP. I can tell you it's sharpened up the police services in the province. I see a similar thing here with the corrections services, where there's some competition and they're being measured by that.

In conclusion, I just want to make a few points. I think it's interesting in this bill that the members of the Legislature are entitled to enter and to inspect these prisons. I think that's part of the accountability. That's section 59 on page 10 of the bill: "Every member of the Legislative Assembly of Ontario is entitled to enter and inspect any correctional institution, community resource centre or other facility established or designated under this act." I believe that is accountability. Even a member of the

opposition, whether it be Liberal or NDP, may just visit one of these particular facilities. I have, and it was certainly an education for me.

I see in this bill the opportunity for drug testing to ensure that we can reduce the drugs and alcohol as much as possible in our inmate population. The fact that they're going to have to earn the opportunity for early release I think is going to change the mood, the actions of our prisoners. The local boards of monitors: again, it's local involvement. The governance authority for public-private partnerships for the delivery of correctional services is long overdue. It's great that our government is bringing it in. This is the type of thing that can't just happen overnight. They say, "Run pilot projects." That's what Camp Turnaround is all about, and the fact that the name of the Ontario Board of Parole will change to the Ontario Parole and Earned Release Board.

This bill is about increased public safety. It's what we committed to in the Blueprint, our campaign platform. It's also what we committed to in the throne speech. I am very enthusiastic about this bill. It's doing what we said it was going to do. I can assure you that I will be supporting Bill 144, the Corrections Accountability Act, when it comes up for a vote in this Legislature.

Le Président suppléant : Autres débats ?

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) : C'est un plaisir pour moi de prendre la parole et participer au débat sur le projet de loi 144, Loi visant à instituer la responsabilisation au sein des services correctionnels, à obliger les délinquants à démontrer qu'ils ne font pas usage de substances intoxicantes, à fixer les règles que doivent suivre les délinquants pour mériter leur libération, à permettre à la Commission des libérations conditionnelles d'intervenir dans les décisions en matière de libération méritée et à changer le nom de la Commission des libérations conditionnelles, qui désormais sera connue sous le nom de Commission ontarienne des libérations conditionnelles et des mises en liberté méritées.

En tant qu'ancien critique des services correctionnels, je peux vous dire que j'ai eu la chance de visiter quelques centres de détention. Je peux vous dire que durant mes visites j'ai pu constater que nos gardiens de prisons ont à cœur la sécurité de nos citoyens et citoyennes. J'ai pu constater les lacunes existantes dans notre système de services correctionnels.

It is always a pleasure to speak on a bill, especially on this one, Bill 144. Here we go again: another flip-flop by this government. Prior to the 1999 election, the Tories said the jail in Penetanguishene would be publicly run. Now they are saying it will be privately run. Also prior to the election Bob Runciman, the member for Leeds-Grenville, the former Solicitor General and corrections minister, said there were too many unanswered questions about safety, and, "We could not possibly proceed with private prisons." But guess what? Flip-flop again.

I appreciate the fact that the Minister of Correctional Services has made a commitment to fix the infrastructure of the jails and prisons in Ontario, because many of them

are badly in need of repairs. In L'Orignal in my riding a prison was closed by this government just four years ago. This government was not interested in putting money into repairs. They were more interested in putting people out of their jobs. Because this government decided to close the jail, it made it much more costly because now they have to transport prisoners back and forth between the jail in Ottawa and the courthouse in L'Orignal, a return trip in every case of 200 kilometres.

I don't know where the saving was on this one. It became much more costly. What they tried to do was get the local OPP to transport inmates from Ottawa. It would have meant having officers on the road, adding cars on the road, at the expense of the municipalities. Good enough, but we had to negotiate, and finally they accepted having off-duty or retired security people to drive people back and forth. But I don't know where the saving was on this one.

2010

There is a major problem in our Ontario jails and prisons, and that is the working conditions of the correctional officers. Morale is low. The correctional officers don't know from day to another if they have a job or where that job might be. The goal of this government is to privatize our jails at all costs. No thought has been put into how the employees are coping and, really, Minister, do they really care?

Now Minister, let's talk a little about one of your success stories. You like to talk about success stories. With this government, everything is a success, but I have noticed that since the Provincial Auditor tabled his report last week, the Premier has acknowledged that this government has made several mistakes. The bad news is that they have now been caught. I think to privatize jails and prisons without any thought of responsibility for the employees is just plain wrong. Well, back to the success story: Camp Turnaround, a very appropriate name, I must say. You go in and then turn around and run out.

Minister, I have a constituent in my riding whose name is Bob, who has worked with youth offenders for over 20 years and he tells me of your success story, Turnaround Place. Only the very best are selected to attend. I guess it is kind of like being selected to attend a private school. You have to be privileged. Bob gets young offenders—murderers, armed robbers, as well as many other young offenders that have been referred to him. Maybe, Minister, this is the type of candidate you should be recruiting for Turnaround Place.

I know also that this government is very concerned about taxpayers' money. That was evident in the Provincial Auditor's report under the Agricorp incidents. Farmers are concerned about their money too, Minister, and they count on this government to make good decisions and to safeguard their money.

Here we have another situation where the government wants to do things the American way, but the experience with private prisons in the US has shown that private prisons do not save money. Private prisons serve the bottom line, not the public interest. This government must

keep the prisons full to make a profit. The Police Association of Ontario is opposed to private prisons. Correctional services are opposed to private prisons. My leader, Dalton McGuinty, and the Liberal caucus are opposed to private prisons. Also, local residents are opposed to private prisons. If the Harris government really cared about local input, they would not be making the Penetanguishene prison a privately run facility.

Listen to the people, Minister. Listen to the correctional officers. They are right sometimes, you know, and we know now by the Provincial Auditor's report that the Harris government is often wrong. Minister, the privatization of Ontario prisons and jails is wrong.

Mr Speaker, let me tell you, during my critic's role I had the chance to visit some of the jails and I remember talking to the director of one jail. I told him that this young kid that I had the chance to sit with in the cells looked pretty bright. "Oh," he said, "Jean-Marc, don't worry. The day that he comes out, he will be back in." But do you remember last year in September this youngster had escaped from the prison in Ottawa? I had talked to the director about the kid and I met the minister immediately after. I said, "How can a kid run away from a prison like this in Ottawa?" "Well," he said, "we have no system." I said, "Don't you use the fingerprints?" "No, we only look at the pictures." The picture of this kid exactly resembled another one, because I happened to be speaking to both of them. It's just to show you that you have no system in place.

Today, I think what's happening, why you're coming up with this bill, is because you've been warned by the private sector, "Clean up your mess before we take over." You people are not taking the proper action to clean up the mess you have created.

Mr Speaker, it is always a pleasure to speak on a bill like this, especially to defend the security of Ontarians, the citizens of Ontario.

The Acting Speaker (Mr Tony Martin): Comments and questions?

Mr Curling: I think the member wanted to say he would share the 20 minutes, because we have started the 20-minute rotations.

The Acting Speaker: Just hang on for a second. I think either unanimous consent or, because the member didn't say he was sharing his time, we'll move to—so do you want to ask for unanimous consent?

Mr Curling: I would ask for unanimous consent for me to finish the time.

The Acting Speaker: Do we have unanimous consent? Agreed. The member for Scarborough-Rouge River.

Mr Curling: I want to thank the government side for agreeing for me to just complete the 20 minutes of my able friend who has done so well in targeting the concerns about Bill 144. As you know, the problem is larger than Bill 144 itself.

As we mentioned earlier on, this government has neglected the concern of the correctional institutions for a very long time. I have had the privilege to have visited

quite a few of the jails and I've seen the inadequacy. I have visited not from the point of view as a member; I visited there to see the concerns and the complaints of inmates and of prison guards too, especially of prison guards and the conditions they are working under. The neglect and the lack of resources there was enormous. Actually, it has eroded the morale of the prison guards to a state that it was almost unbearable for many prison guards. The racism that expands itself in many, many factors within the prison was something out of control.

The minister was called to address those issues. He dodged the issues and ignored them completely. We have no other alternative but to think that he was following the pattern and the trend of what this Conservative government has always done—to let it go into a crisis and then decide to address the concerns. They're at a point now that the best way to do it is to pass it on to private industry to do so.

I recall, Mr Speaker, and I think you do too, that many times when my party asked the minister there if he had any intention of privatizing the jails, I thought he said no. He said he had no intention to do so, and I took him at his word. I thought, "I think he's about to address the concerns there, from where it really should be addressed." Under his watch, he is the chief of staff for all of that, yet he let it hang there until today we're hearing they're going to privatize the jails.

We have seen south of us how privatization of jails has failed miserably. Let me speak in the language of what the Conservative party has always spoken about, profits. They are talking about profits. So therefore those who are coming into jails have one intention for their private sector: the bottom line is, "Can we make a profit off this? We will come in."

I'm sure they must have guaranteed the private sector that a profit will be made in this concern. Just like they guaranteed them in Highway 407, to save private-sector-built highways, they will make a guaranteed profit. So there they are at the trough. All their friends are saying, "Yes, we shall be a part of building jails for you."

Remember this magazine, *Business Week*, which I'm sure the Conservative party is quite familiar with? Inside of here, let me just quote one aspect of it. It says, "A convicted murderer serving a 220-year sentence scaled the wall of the privately run Mason Correctional Facility in broad daylight."

Now remember, here is a private institution that is supposed to do the job better, and they're complaining now they are not doing the job—a lot of evidence, all over the place; just one of the many escapes—murderers—and other mishaps that have plagued the private prison industry since they came into existence in 1983. There are warnings all over, shown to this government, that private jails don't really work. The fact is that they know they've got to make a profit, and therefore I'm not quite sure they will attend to the concerns that should be attended to if it's going to cut into the profits.

2020

There's a wonderful graph here that says, "Crime Doesn't Pay." We can play upon the words. The private sector says, "Crime pays, because if crime continues we can make a profit off it." It takes, of course, a Conservative government to make sure that crime pays. What this is all about is that crime will pay for whom? It will pay for the private sector, which will be coming to the trough saying, "We can run it better." They will run into trouble because they may be putting shares on the market and they will find out where it's going to go. Again, it says it doesn't pay at all.

The auditor's report of public accounts tells you outright what a miserable mess this ministry has displayed in running this institution. Then he said, "If we're running it so miserably, if we're doing such a poor job, the best way to do this, then, is to pass it on to the private sector." Even though the evidence is there, they will continue to say, "That's the way we will go." It's much easier, of course, if we can find someone to blame for our problems and for our deficiencies. Then it's easier for us to escape them, because when the time comes to be accountable to the people, we'll say, "All we have to do is to make sure that those we put in charge, we just change them around. We have done our best." You have not done your best; you have done your worst. You have abdicated your responsibility as a government to spend taxpayers' money properly and to make sure the institutions you run are run properly. But what you have done is pass it on to others. I think that is a disgrace.

One of the main aspects of any parliamentary procedure or parliamentary debate or legislation is to have public input into legislation. Here we have Bill 144 before us. If we ask the government how much public input has been on this—none. We didn't have any public hearings on this. I think there's a lot to be learned from institutions and organizations that have worked with jails over the years and they can tell you how best we can improve the system. But they don't want to hear that, because there's only one interest group this Conservative party is concerned about, and that is the private sector, the profit-making individuals.

If they have nothing to hide and they are so confident about the direction in which they're going, why not have public hearings so that those individuals who have been working with jails, with inmates and with prison guards over the years are able to advise them, and then take those things under consideration? But the arrogance of most Conservative governments, especially of this government, that the people's voice should not be heard, that the input of institutions should not be heard or that organizations that support or have been guiding institutions over the years should not be heard. There's a lot to be learned from that. It is consistent with what they have done in the environment, with what they have done in education; it is consistent all over, rushing things through, having just one blind eye in one direction, with blinkers on their eyes, going one way without looking in

any other direction, and they're going to run into the worst situation.

As I said, even their own interest bible, *Business Week*, which addresses itself to profits all the time and regularly, is saying it's the wrong way to go, that experience has shown it's the wrong direction to go. Private jails do not help the situation when you can see murderers and everyone escaping from these private institutions when it's supposed to improve it. Many of those institutions that are run privately in the States today are saying, "We want no more of this because, first, we're not making any profit and, furthermore, we are subject to too many criticisms of what's happening." The private sector likes to behave in this quiet, in-camera aspect of things without any sort of public scrutiny. But I think what is happening here, and we know what's happening, is that when the government itself is in charge of correctional institutions, when it is under public scrutiny, from time to time you will have people questioning them—and we can question them inside the House here much more openly—and they don't want that. They want to have it privatized to get it away from them so they can blame somebody else.

I think that we are worse off. While they spin around and say that crime pays for some and crime doesn't pay for others, it seems to me that crime pays a lot for the private sector. This is not the way we should go. I am appalled to know that this government continues to go in a direction that has no democratic process to it, and to think that the morale of many of those staff are suffering severely without it being addressed whatsoever. Although they have come here constantly and talked to the minister, he ignored all of those warnings and today he's breathing a sign of relief and saying, "I no longer have to have the responsibility as long as I can pass this over to the private sector. Then as long as they make some money, they won't come back to me. If there are any concerns we have, we can point our finger at the private sector." It's the wrong way to go. We should not support this bill.

The Acting Speaker: Comments and questions?

Mr Garfield Dunlop (Simcoe North): It's a pleasure to make comments on the two previous Liberal speakers. I apologize for forgetting the names of your ridings.

It's interesting to listen to your comments, words like "flip-flop" and the hatred of privatization. I don't know how you sum up your existence as an official opposition party to the government when you continually say that in a democratic society and you continually refer to your hatred of the private sector. Everything you seem to dwell on here, whether it's road maintenance, whether it's privatization of a youth centre or privatization of a major correctional facility, over and over again you refer to the fact that these people are some type of demons, that they're only in it for profit and that there's no accountability. I'm sorry, you're wrong on that.

Just yesterday Mr Gravelle, the member for Thunder Bay-Superior North, mentioned something about the terrible state the roads were in. We've been using private

sector operators to look after the maintenance of roads for the last 20 years in Ontario. It started with a few people with snowplows and sanding and eventually we found out that there was a major cost saving, and today we're using contractors such as Beamish Construction, people who build the roads we're on, people who build the bridges that we cross all the time, and they're now maintaining them. But I hear these comments continually, saying that the private sector is in it for making a profit. Well, naturally, that's what our democracy is all about. I'm sorry, it's too bad that someone is willing to make a dollar in this world, but those are the same people who have created 765,000 jobs in the province in the last five years. I have nothing to apologize for that. I believe in the private sector.

Mr Caplan: I want to congratulate the members for Glengarry-Prescott-Russell and Scarborough-Rouge River for excellent presentations in debate on this bill. I think they really captured the essence of the bill and were able to articulate what the concerns are and why the people of Ontario should be very concerned about the agenda of the Harris government and what's happening. I know the member who represents Penetanguishene is feeling very guilty about this because there were some commitments that these things would not happen in those communities, and the people there are very upset.

Interjection.

Mr Caplan: I have been there, my friend, and I can tell you that I hear what the people say, and no amount of radio commercials, no amount of advertising is going to sell people on an unsaleable proposal.

This is *Business Week* magazine. This is not a Liberal publication. This is not socialist. I think even Stockwell Day and Preston Manning, your friends, your federal leaders, subscribe to *Business Week*. This is what they had to say in a headline: "Private Prisons Don't Work." "In western Tennessee, a convicted murderer serving a 220-year sentence scaled the wall of the privately run Mason Correctional Facility in broad daylight." That's what they don't want in Lindsay. That's what they don't want in Penetanguishene. Don't you get it? You just don't get it. "Wackenhut's Allen Parish prison housed inmates at just a marginally cheaper rate," but public safety is put at risk.

That's what my colleagues were talking about. That's why this privatization of correctional facilities is so wrong. Won't this government understand they are putting people's lives at risk? Won't they stop now and do the right thing and withdraw this legislation?

2030

The Acting Speaker: Further comments or questions? If not, response?

Mr Lalonde: It's nice to see that the member from Simcoe North in his comment recognizes that the private sector is there to make a buck. As I said a little while ago, they have recognized that this government has to clean up its mess at the present time. It's nearly a fait accompli that the private sector will take over most of the jails in Ontario, but I wonder if we have established some

consultation with the public and if we have established the guidelines we should be following when they take over the jails.

At the present time I'm going to give an example: the Cornwall jail. The convicted people don't even serve an hour in jail. When they are convicted, they go to jail, they sign a book and they are out immediately. Where is the security for our people in Ontario? It doesn't exist. When it comes under the private sector, it's going to be even worse, because they are there to make a buck.

I had the opportunity to attend the parole officers' association meeting in Niagara Falls. They are concerned. Most of the people are under stress at the present time. They have so many people to look after, because we don't keep them in jail, that at the present time we are lacking the number of parole officers we should have.

We know they are there to make a buck. When they are out of jail, it is a saving to the government, and this government knows that. If the private sector knows what they are going to be faced with at the present time, it is because this government told them what is going to happen. We are going to see those convicted people on the streets without having any security for our public.

The Acting Speaker: Further debate?

Mr Dunlop: I'm pleased to rise this evening to take part in the second reading debate on Bill 144, the Corrections Accountability Act.

One only needs to examine newspapers on a weekly basis to see the horror stories that occur, not only in our provincial system but in the federal system as well, to know that reforms to the correctional system in this country are far overdue.

We heard some comments earlier about the auditor's report. If you examine the auditor's reports, it goes back to 1992 and 1993. They specifically mention the serious problems that existed in the corrections system in our province—

Mr Caplan: For five years.

Mr Dunlop: It goes back about 10 years, to be honest with you. Ten years ago the auditor reported an outdated and inefficient system. The most expensive correctional system to operate in the whole country is right here in Ontario.

Yes, reforms were needed. That is exactly why—I don't understand why you can't get this—we're building these huge facilities. There is an opportunity here. I know you wouldn't get this because you don't understand competition or choice; that's something that's very plain from the opposition. That is exactly why we want to put in a facility with a private partnership in Penetanguishene and one in Lindsay. Then you can compare them. That's what you call choice. I know you don't understand that, that you don't understand competition. That's the fact of the matter.

We have an opportunity to compare two facilities, and you don't want to hear it. Do you know why you don't want to hear it? In case the facility in Penetanguishene turns out to be more efficient and more effective, you don't want to hear it because there may be an opportunity

to plan other facilities across the province. Make one thing sure; it's something I want to clarify: this is a pilot project. Every correctional facility in the province isn't going to look for a private sector partner overnight. It's going to happen in the facility in Penetanguishene.

Because you know it's already been a success with Project Turnaround and many states throughout the United States, you don't want to hear it. You just keep up this common fearmongering that happens all the time with your party. It doesn't matter whether it's roads, universities or jails. In a perfect world, you'd probably have everything operated by the public sector, but in that case it would be called Russia. You'd probably like to live in Russia.

This evening I'd like to thank the Minister of Correctional Services for introducing this bill. I would like to thank all the members from our party, as well as the opposition, for their comments on this bill. I know the members of the opposition have an important role in bringing our government to a level of accountability. They're trying to do that, although they are very ineffective at it. They will use every means necessary, including fearmongering. That's really what your party is good at.

I know the member from Brant is an expert at this. I'm sorry he's not here tonight because I wanted to say a few things to him. As to the concerns you're pointing out tonight and the fearmongering I've heard, I hope you'll tell your federal cousins, because we've pointed out a number of concerns with the federal corrections system, where they have failed drastically when it comes to the correctional system in Canada. Over and over again, we point this out. They let cop killers, on a regular basis, into minimum securities.

Mr Caplan: What? Come on.

Hon David Turnbull (Minister of Transportation): Yes, they do.

Mr Dunlop: Absolutely. You don't understand that? It's too bad you don't. That's the problem. They don't want to hear these things. They only want to fearmonger about people who are in for two years less a day.

Since 1995 this government has made important changes to the province's justice system. It's clear where we stand. We have put more police officers on the streets, increased support for victims and set tough new standards for the parole board. We are investing \$450 million to build and improve correctional facilities with superior security measures and reinforced materials to make them among the strongest and safest available in the world.

I would suggest to anyone to go and visit the site at Penetanguishene. Look at the facility we have there compared to the outdated and antiquated correctional facilities across the rest of the country. The facilities in Penetanguishene and Lindsay, I would suggest, are two of the best correctional facilities for safety and security in our complete country and probably in the whole of North America.

Let it be clear for the record: over and over we have stated that no one in Ontario should not feel safe in their

homes, their workplaces, their communities and on the roads and streets of our province. Public safety and security is a priority of the Mike Harris government.

Year after year, auditor's reports show that we need to be more efficient. I would like to point out that the minister has taken a real leadership role in spearheading a reform of our system that will help lower the average re-offending rate and help ensure that tax dollars are spent more efficiently, at a savings to our hardworking citizens. All you have to do is look at the per diem cost of a prisoner in a facility in Ontario. It's the highest in Canada at, I believe, \$128.75 a day, compared to other places across the country that are down at \$75 and \$80 a day.

Within our publicly run young offender facilities, we have an average re-offending rate of 60%, and our adult facilities have rates of 70% to 80%. This means that when a youth goes into a correctional facility, they have a 60% chance of recommitting a crime. The same can be said of adults, who have a much higher re-offending rate. I and this government feel this is unacceptable. We believe that one way of improving the quality of services is by introducing competition to the correctional system.

We are seeing success in our first public-private partnership model, Project Turnaround, which is located in my riding of Simcoe North. I stated last night that it was not in the city of Barrie, which the opposition felt it was. The contract the government has with Encourage Youth Corp of Canada, the operator, outlines performance standards based on the re-offending rates.

This strict discipline program for young offenders has been running for over two years, with promising results, with some of the most difficult young offenders in Ontario. It's not like Jean-Marc said. He felt it was like a bunch of choirboys in Project Turnaround and that was why it was successful. That's what they're trying to claim now, that we only send the choirboys there. I remember reading about one parent who wrote a letter to the Minister of Correctional Services saying, "Thank you for giving back our son," after going through Project Turnaround.

In spite of the fearmongering, I've visited that site a number of times. It is a very successful facility with one breakout in its total history, that being on the very first day. Since then there have been no other problems with Project Turnaround. Of course, they've hung their hat on that one forever. They forget to say that in other facilities across the province, the other two that I can think of, there has been a total of 11 in that same period of time.

2040

We have seen the success of this project, now with a reoffending ratio well below the provincial average of publicly operated young offender facilities. Independent research studies over nearly three years support the fact that the public-private partnership is changing people's lives and giving them a second chance. Here's what Stephen Easton, a noted researcher in public-private prisons in the United States, said:

"Private prisons operate more cheaply than public prisons, and give at least as good service to the com-

munity, both to the inmate population and to the public. Further, private prisons are usually held to a more exacting standard than public prisons. Private prisons must meet state certification standards not required of public prisons. Private prisons often spend more time on education than comparable public prisons. In addition, jurisdictions in which private prisons have been established realized lower costs for public prisons. The threat of competition appears to work in the prison sector of the economy just as it does in other economic venues."

This government is currently building two identical facilities, one in Penetanguishene and one in Lindsay. The one in Penetanguishene has had an economic spinoff of \$25 million so far to the community of Penetanguishene. The end result will be over 300 jobs for the citizens of the community of Penetanguishene. I think that's an amazing job creation for a small community. We don't see that everywhere. This is a community that has a lot of tourism businesses and they don't have a lot of good winter months. These are 300 good jobs for the young people of the town of Penetanguishene, the town of Midland and the surrounding area. I'm very proud of that. That's what I support: jobs for our youth, jobs for the people of my riding.

I'm not afraid of competition and I'm not afraid of choice. That's why I support the reforms Minister Sampson has put into Bill 144. I would expect everybody in Ontario, using common sense, would support this legislation.

The Acting Speaker: Comments or questions?

Mr Steve Peters (Elgin-Middlesex-London): I'm saddened to have to comment on what the member from Simcoe North has said this evening. Everything we do in government doesn't always have to come down to the bottom line. It doesn't always revolve around dollars. That's certainly the attitude and the approach the member from Simcoe North is putting forth this evening, that it's all about dollars and saving money. We have to recognize as a government, as an opposition, that there is a role for government to play. When individuals have done wrong within society today, we as a government have an obligation to ensure there's proper rehabilitation put in place to ensure those people don't reoffend.

I think the member from Simcoe North is totally wrong and I challenge him to ask the members to call for a referendum. You're so big on referendums on your side of the House. Put a referendum forth in Penetanguishene and find out what they say about having a private jail. They don't want it. They don't want a private jail in your riding. It's not all about dollars.

Government has an obligation to play in a number of segments of our society. Government should play an important and active role in the rehabilitation of criminals, ensuring that when they leave a correctional facility in this province, they're going to go out there and become part of society and not reoffend and become part of the system again.

I think your attitude toward where you're going with privatization within correctional facilities and within so

many other aspects of government is totally wrong. You can't understand and you can't realize the potential damage you're doing down the road within the province with this mentality that you can't get out of your head.

Hon Mr Sampson: I want very much to thank the member from Simcoe North for his eloquent delivery today and his support for the initiatives and the reform of the correctional system we're attempting to implement. These changes aren't easy to bring forward, which I think is why previous governments weren't prepared to do it. There are a number of obstacles to face in the change, the least of which is you have to be prepared to spend a sizable amount of money on reforming the infrastructure that has been there for some time.

I see the member from Renfrew here. He and I have discussed many times, inside and outside this House, that part of the reform of the infrastructure will require some reinvestment. I've committed to him that we'll take a look and find ways to make sure the one up in Pembroke that he and I have been talking about for some time gets the appropriate amount of reinvestment so that the facility can be there to deal with the correctional needs—they happen to be detention needs in that area—of the community.

These have been challenges facing previous governments in the past. We're prepared to commit money to deal with the requirements and the changes the system needs, starting of course with infrastructure changes. But then of course you must start to change the way in which you take a look at the business of corrections as it relates to what's happening inside the institutions. That means you've got to start to look at the results of institutions and the results of the programs in institutions and how safe and secure they are. You've got to take a look at things like drug testing. You've got to look at things like whether particular programs that are offered in the institutions are indeed having the appropriate impact on inmates, because if they're not, inmates will go back and reoffend, and that frankly is not helpful to the community. What we're trying to do is improve public safety.

Mr Curling: I just wondered if my colleague from Simcoe North heard what the minister was saying. He talks about—and you have also mentioned it—improved education programs if the private sector takes it over. This is the same minister who cut money for any training and education in correctional institutions. I don't know if he understands that one of the highest rates of functional illiteracy is in prisons. He talked about improved training programs that will be delivered in institutions. He doesn't have a clue what goes on in those institutions. After coming out of the limousine, the minister struts around and doesn't understand what's going on there. If the minister and the member from Simcoe North would just take a visit and test the functional illiteracy rate within a prison institution, it would tell you one of the main problems why people are coming back to jail so often. Many of them—

Mr Dunlop: You don't get the point.

Mr Curling: You don't get the point. You're saying the private sector would offer more. He reneged and created a crisis within the institutions themselves and said, "Listen, let me bring the private institutions in because they will deliver more programs." Where was the minister all this time? Where was your government all this time to deliver these programs? Now that it's inadequate and you short-supply it, you say, "Oh, yes, the private sector will do this."

Wake up, Mr Minister. You can't slide away from your responsibilities. Simcoe North, don't be brainwashed by all the briefing notes they give you. Look deeper than those notes. Go there and talk to the inmates. Go and talk to the guards about the morale. You talk about how we're going in the right direction. Wake up and make sure that we have institutions where we can improve the lives of people so that when they do come back into society, they can serve us better, not worse. Because when they got themselves in there, they had no education. Some 70% are functionally illiterate.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): This has been a very interesting conversation. I noticed the member who just spoke said the minister didn't really have any idea what was going on. I wonder if you have the inside perspective on jails. I just don't know about that. We may have to check that out somewhere along the line.

Being that the Liberals now want to test all the members for drugs, in this House we do a lot of good work, but when we come to bills like that, I'm wondering what's happening over there with the Liberals when all they can come up with is that now they think we should check members for drug use. If this is what the opposition has come to, we're in trouble. I know a few years ago—and maybe they've kept the sample of our last speaker; hopefully they have. When he sat here all night, I'm sure he left us something that we will be able to test. I suggest the Liberals test that one first to see what's going on. I know of a member who spent the whole night here. I'm sure he left us a sample somewhere along the line.

To get back to what we are talking about here, the institutions, we have a new one at Penetang that is about to open. It's going to be privatized. We're going to have to look at that. I think there's some merit to this.

I look at the jail we have in Owen Sound. I've been there, just as a guest—not the inside perspective some other people have had. I was warden of the county. I was there to check the jail out. It is archaic. There are little wee cells that may be the size of this desk, a little bigger, that people have to stay in. The jails have to be upgraded. I don't see how staying in there would help somebody.

If the Liberals think we should allow drugs and booze and parties in the jails, I guess that's what they want to do. I guess that's what liberalism is all about; let's be liberal in the jails and let them run amok. Do we really care? The Liberals are being that way.

2050

The Acting Speaker: Your time is up. Response?

Mr Dunlop: It is nice to hear the comments from all those who have spoken here this evening. I have to go back to the whole issue of competition and choice. I understand that we will never convince you of that.

I looked at the original Project Turnaround that Jean-Marc referred to a little earlier and how he was so much opposed to that. He had all these negative words about Project Turnaround. I remember it when it was Camp Hillsdale. Camp Hillsdale was closed by the third party's correctional minister. It was inefficient and inadequate, or maybe it was just part of the inefficiency and inadequacy of the whole NDP government. That happened. We opened it up as a boot camp. Project Turnaround, in my opinion and in the opinion of the citizens who surround it—if you want to do a referendum, I'd suggest you do the referendum with the people who live in the 10 miles surrounding Project Turnaround. It is a very successful project.

It is run as a military-style facility. The reoffending rate is very much lower. It is down around 35% now for the people who are coming out of Project Turnaround. It creates employment in our area. I'm pleased with it.

I'm certainly willing to look at the Penetanguishene correctional facility as another opportunity for choice and competition in our correctional system here in Ontario.

The Acting Speaker: Further debate?

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I want to take a few moments tonight to speak to Bill 144, both in general terms and with some specific reference to a matter having regard to the Pembroke Jail. Let me say at the outset that issues of crime and punishment are ones that have always excited high levels of interest and very real emotion, whether debated in this Legislature at this time, in the national Parliament in previous sessions or in previous centuries. It is also true to say that one does not have to be particularly creative to excite public passion around the question of crime and punishment.

I am the first one to admit that in any civilized society, at any given point in time, where one subscribes to due process of law, there will undoubtedly be miscarriages of justice in the courts and in the correctional or penal system. If one wants to make it one's life's work to highlight the miscarriages of justice, the bad judgment calls, I suspect that in a country as large as Canada and a province as diverse as Ontario, you could probably have a pretty steady diet of material.

The right of the state to incarcerate anyone is certainly one of the most powerful rights we give government. I was struck, at the turn of the century last January 1: do you remember that millennium television program that took us around the world as the new millennium dawned? The image I will remember as long as I live from that broadcast was the image of Nelson Mandela returning to the prison where he spent half a lifetime. It was empty. It's probably some kind of historic site now; I'm not sure about that. To see this remarkable human being, with such equanimity returning to that jail cell is to remind us

all, I hope, that there is more about this debate than cheap and easy politics.

I am the first one to admit that there are activities in the justice system, in the correctional system that enrage me. I was driving home the other day, listening to a broadcast from CBC Ottawa. It actually had to do with the federal election campaign. It dealt with this question of what is good and what is wrong with the justice system.

The matter turned to the Young Offenders Act and to the fact that very dangerous people were walking the streets of Ontario. There was a reference made to a pedophile who had been released into the community here in Toronto. I don't need to tell you, particularly those of you who are parents of young children, just what an incredibly sensitive and emotional debate that is. I was very struck to hear a distinguished member of the Canadian bar enter that debate to say, "You understand that without any change at all, the Attorney General"—in this case of the province of Ontario—"has the right under the existing law to make an application to have that person removed from the community as a dangerous offender." I think that's the phrase.

I think most of us listening to that were surprised to find out that that mechanism existed under the law and that, for whatever reason, it was not invoked. I'm not here to complain about the Attorney General; I'm sure he has an argument. But it would be very easy for me to get on the talk shows in Ottawa or Toronto and say, "Isn't it a terrible thing?" It may have been inadvertent. I must say, I would like to know why that application was not forthcoming in that circumstance.

I simply use the point to make a broader point: any of us who wants to pick an example of something that's not going well probably would not have to go very far. We obviously have to do better. There is clearly a concern in the community, particularly with serious offenders, that we're not tough enough. I'm probably prepared to be tougher than most people in this chamber on some of these issues. The only complaint I will continue to register is that you don't have to be Charles Atlas to beat up on poor and defenceless people. I want equal treatment. I want the rich and the powerful also gone after with equal vigour.

I always remember Arthur Maloney telling me, "If you ever need an argument to oppose the death penalty, I will give it to you." I said, "I want to hear it, Arthur." He said this: "Rich and powerful people have enough money to hire people like me." At the time, Maloney was one of the most distinguished and celebrated criminal lawyers in the country. "They will hire me and, trust me, in nine out of 10 cases, I will get them off. Poor people will not have that kind of opportunity."

Mr Murdoch: What's this got to do with our bill?

Mr Conway: I say to my friend from Owen Sound that I hear in the political debate today a great deal of desire to be tough and punitive, but it seems to me we are particularly focused on only part of the community. You

yourself, in your intervention, made the comment about drug-testing members of the Legislature.

Just imagine being out there and listening to a lot of this debate. I said the other night—I didn't bring it with me today—that if you read the papers every day, the tabloid press will tell you about some miscarriage of justice on the front page, but go to the front page of the Report on Business in the Globe and Mail and almost every day there is yet another story about some skunk and scoundrel on Bay Street or Wall Street who has pulled a really good heist. Is there any comment, any complaint from authorities about that? I have an image, 25 years ago, of Harold Ballard walking into a correctional site. I remember Alan Eagleson being entertained at one of Her Majesty's correctional motels.

Interjection: Patti Starr.

Mr Conway: Patti Starr as well. I don't remember the cognoscenti, the glitterati saying, "Isn't it a terrible thing that we're not being tougher on those people?" That's my only point, I say to my friend from Bruce-Grey, that surely you of all people, democrat with a big small d, would want equal treatment of bad behaviour. I repeat, you don't have to be Charles Atlas to beat up on poor people, on defenceless people. That is the oldest, easiest game in town.

2100

Abraham Lincoln once invited us to follow the better angels of our nature. He gave us very good advice because he understood there was a dark side. This from a man who was a martyr to a great cause, a man who six weeks before he himself was to be shot down said to a divided and bloodied nation, "With malice toward none, with charity for all." So much of this debate in the Canadian political environment about crime and punishment is just the reverse: with malice, high-octane malice, to a certain segment of the community.

It's just a few years ago—not that many years ago, probably a couple of years ago—I remember reading in one of the metropolitan dailies in this city about a judge telling us that far too many people he was seeing in his provincial court bound for the correctional system were people who had serious mental health needs.

We've closed down the big psychiatric hospitals. I don't mean this as a criticism of your government; it's more a criticism of the Davis government and the Peterson government and other governments. We closed them all down because we were going to put better, alternative programs in place, and it didn't happen to the extent it was supposed to. It saddens me, it troubles me, and the auditor tells us this in his most recent report: that far too many of those people are in the provincial jails.

A final word about Pembroke: I appreciate what the minister is doing. When the province of Ontario was young and in the embryonic stage of providing public service in a county like Renfrew, we didn't offer much but we built a courthouse and we had a jail. Today, as a government and as a society, we can't wait to displace the mob from things like the rackets, the numbers rackets and the gaming business. Government wants to get into

that. But we want to retreat from the business of providing a state-run correctional system. I think that's an odd paradox.

Renfrew county is the largest county in Ontario. It runs 200 kilometres up the Ottawa River. It has an average depth of about 100 kilometres. We've had a jail in Pembroke for 130 years. I hope and pray that with the minister's help we're going to be able to keep an appropriate service there for my constituents.

The Acting Speaker: Comments and questions?

Mr Murdoch: The member from Renfrew speaks well, always does in this House, but I don't follow him, because we're discussing a bill tonight about privatization of the new jail in Penitang and about drug-testing and things like that. For the people who are already in jail, I don't think, to my knowledge, it matters whether you're rich, poor or whatever. Once you're in the jail, that has nothing to do with it.

So I think you're a bit off topic. I can agree with the things you're saying, that if somebody's rich, they might be able to hire an expensive lawyer and be able to fight their case better than somebody who's poor, but this bill's not about that. I'm sure that member, because he is a fair member, would want the things done in jail that we're talking about.

He talked about some of the exploits of the old Liberal government that brought us the casinos; I think it was them that brought those into our realm. I think he was here at that time, and he goes back to the Davis time when I wasn't here. I believe he was a member of this House.

This bill isn't about whether you're rich, poor or whatever; it's about if you go to jail, you've done something wrong and you're not going to have a party in the jail. That's what it's about, and I can't understand why you would be concerned if somebody was drug-tested in a jail. Drugs aren't supposed to be in the jail. Alcohol isn't supposed to be in the jail. When you go to jail you don't expect that kind of a life.

If we don't start to tell that to criminals out there, they're not going to care. You won't have to rob the bank to do drugs because you're going to get them in the jail. I really don't understand. I know he'll have two minutes to wrap up. Maybe he'll get on topic and explain that to me when he does that. At least I'm hoping he will, because I'm a little confused about that. I'm always interested in what he has to say, because as a rule you're pretty well on target, but today you're a little off target. Talk about how, when criminals are in there, they should be treated. I'll leave it to you for your two-minute wrap-up.

Mr Curling: It's funny how I would completely disagree with the member for Bruce-Grey. I want to focus on the member for Renfrew, who was right on target. It's who we are dealing with in the institutions, and he was right. If we look there, he points out there are existing laws and resources to make good use of what we have in our jails, but it's not been utilized.

Again, so relevant, the member reminds us, who are the residents in those institutions? They are the poor, the

mentally ill people, and the people who have low education capacity, who are functionally illiterate. Most of the time, coming into the institution are those who may have some dependency somehow or maybe are on some sort of medicated drugs. However, we should focus exactly on how we are addressing this new Bill 144 and remind ourselves who we are dealing with. These are not outcasts. If we continue to deal with them as outcasts, we'll have outcasts somewhere else. There are many of them.

If they are not in an institution—as a matter of fact, this government sometimes, instead of putting people in institutions, will have them in chemical prisons. Many people are outside walking the street who are imprisoned that way.

I'll say again, the member was right on, extremely focused. Let us talk about individuals, not about profits and the bottom line. Let's talk about who we are dealing with and how we can use the resources. We have an abundance of resources in our institutions and all over, but need to use them effectively, not find out who can make a profit from them. Let's focus in that way. I think the member was right on, and if you listen more, you'll learn more.

Hon Mr Sampson: I want to respond to the member from Renfrew. He didn't have a chance to speak about the Pembroke situation much in the short period of time he had to speak to the issue. I want to let him know that as to the facility in Pembroke, because it is old and has been there for some time and really shouldn't be operating the way it is now, the current plan is that that capacity would move to Ottawa, which creates tremendous problems for the community as it relates to where individuals who are awaiting trial will be housed while their trial process is going on.

I've come to know the area over the last 20 or so years and it is a long distance from Pembroke to Ottawa and back and forth for a trial hearing. I know the Attorney General is looking at ways to consolidate the court complexes in Pembroke so we can have a far more efficient court complex. It is a beautiful building on the main street. I can't remember the name of that street; I know the member will help me. It's this beautiful building on the main street that would and could, with some modifications, be redesigned to deal with the court capacity.

As I've said to him before, as I've said to the members of the correctional services who are working there, as I've said to the local members of council, I'm interested in trying to find a way to keep a reasonable detention capacity there so we can deal with the needs of the court facility in Renfrew without having to move people back and forth from Ottawa.

I'm hoping, as he is, that we can get all the ministries involved to come to some resolution of that. Frankly, it's the right thing to do for the correctional services and it's the right thing to do for the community of Pembroke.

2110

Mr Caplan: I want to congratulate the member from Renfrew-Nipissing-Pembroke for his comments. The gist

of his comments was the difference in treatment of some people in this province. If you're the "in" crowd, if you're supporters of the Harris regime, you're treated one way. If you're not, you're treated differently. That's the gist of the comments of the member.

Hon Frank Klees (Minister without Portfolio): That's not what he said.

Mr Caplan: That's exactly what he said, my friend. I think the record will show quite clearly over the course of a number of years that that is the mindset of this government, and it's quite a shame.

In Ontario you really ought to have one rule of law, one rule of access to justice: one rule for the rich and the powerful and for the weak and vulnerable. But that's not the way it is in Ontario when it comes to corrections or when it comes to any other area.

Why is this move toward privatization so embraced? I see it as a move away from accountability. The government does not want to have itself be held accountable. It wants to place these functions in somebody else's hands and set up these local boards. When things go wrong, we'll have Mr Sampson or whoever succeeds him as Minister of Correctional Services saying, "Aha, here's the problem. It's these folks. It's their fault. It's not my fault. I don't run this any more. It's theirs."

That's a significant problem in Ontario: a provincial government which runs away from its responsibility at every opportunity, which tries to place it in the hands of third parties in the province, private and otherwise, and refuses to stand up and say, "We're responsible. We're the government."

I think the member's comments were right on.

The Acting Speaker: Response?

Mr Conway: I want to first of all say to the minister that I appreciate his efforts. I know they're ongoing. I want to say in all candour that I am encouraged by what I'm hearing. I want to say to the union and to the community leaders in Pembroke that I think there is some hope there.

I expect, Minister, that you're going to continue to work away with the relevant authorities to see if we can't resolve the issue, because there is no question in my mind that people of the Upper Ottawa Valley—Pembroke to Ottawa is 150 kilometres, Stonecliffe to Pembroke is another 80 kilometres, and out to the Barry's Bay-Whitney area, just into Pembroke, is another 130 kilometres. The geography of the area makes plain the need for some kind of reasonable detention-correctional facility in the Pembroke area.

Second, one of the things I would say to anybody interested is that there's a little book that was on the best-seller list about two years ago by Simon Winchester called *The Professor and the Madman*. You should read that. It's a very interesting little book about a guy who committed murder, who was in Broadmoor prison in Britain and who was a remarkable genius and had enormous contributions to make to the first Oxford Dictionary.

Third, I'd say to my friend from Owen Sound, I hear what you say and you're probably right that I wandered a bit, but I was trying to make a point about the politics of crime and punishment that are all about us, not just in Ontario but in the United States and the rest of Canada. All I say is simply this: if we are going to set ourselves up as the arbiters of behaviour—"Here's the standard and this is what's expected"—you won't get a quarrel from me on that. But I want to say on behalf of a lot of the people I represent, we work in a place where there is supposed to be no smoking and no drinking. As members of the Legislature, we get to fill out expense accounts on the honour system. Let's hope and pray that we are as good in our compliance with the rules around this place as we expect, on a minimum, that people are going to be in the correctional system.

The Acting Speaker: Further debate?

Mr Howard Hampton (Kenora-Rainy River): I'm pleased to talk for a few minutes on the subject of what this legislation is really all about. It is interesting that when the government introduced this bill they called it—and I use the words "called it" deliberately—An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole.

Nowhere in that extensive title, nowhere in that agglomeration of words, does it say anything about privatizing jails, about privatizing the corrections service. But when you actually get into the bill, there are two or three pages dealing with the parole board and some of the other matters mentioned and then there are no less than six pages dealing with privatization. It would almost lead one to say there ought to be a law that requires the government to set out in the title of the bill what the bill is really about. Instead, what we have here is a government using doublespeak, trying to deny what the bill is really all about.

The bill is really all about taking a corrections system which is now publicly supervised, publicly maintained, publicly administered, and turning it over to private operators so that private operators can make a profit. That's really what we ought to be debating here tonight, not all the camouflage and not all the propaganda this government has tried to throw in to cover up their real tracks. We ought to be debating the pros and the cons, the experience of other jurisdictions with respect to the private operation of jails.

For the benefit of the public at home, I just want to go through some simple comparisons. These comparisons exist, these comparisons are valid, whether you're talking about maintaining the highway or maintaining the jail or offering, say, a hydro service.

The government is going to say to people, "Privatizing the jails will allow you to run the jail for less," and then they're going to give, as they do here, a bunch of baffle-gab about, "Oh, it's going to result in better corrections."

I want to deal with the "for less" part. There are certain things, certain costs that have to be paid in the operation of any kind of enterprise. If you're going to have vehicles, you have to purchase insurance for the vehicles. But if you're a rather big entity, you can get fleet policies. You can actually get a discount on the insurance. So when the government of Ontario has thousands of vehicles, they get a discount on the vehicle insurance. As soon as you privatize something, unless you're privatizing it to an operation that is as large as government, they don't get that discount on insurance. They have to pay more.

Similarly, there are things like workers' compensation or, as this government likes to call it, the Workplace Safety and Insurance Board. You have to pay premiums for workers' compensation. So you see, government, having to operate this number of public services, actually gets a discount there too. Size matters, so they get a discount in terms of the cost of WSIB. Unless the government is turning jails and corrections over to an organization that is as big, you're going to find that the WSIB premiums for the private operator actually go up. It's going to cost them more.

So it is with a number of other things. When it comes to purchasing vehicles, because the government is able to purchase a fair number of new vehicles at a time, they get a discount. Whether it's from General Motors or Ford or Chrysler, they get the vehicles cheaper. It's called fleet purchases. Unless the government is going to privatize the jail to an equally large organization, when that organization goes out and buys vehicles, whether they be vans or cars or whatever, they're going to pay more.

I can just as easily refer to this comparison in size in terms of private corporations. Bell telephone, which in the past has purchased thousands of vehicles at a time, gets a fleet discount. So unless you're going to privatize to an organization that is, say, as large as Bell telephone, they're not going to get the fleet discount. Bell telephone, because they have thousands of vehicles, gets a fleet discount on the insurance. Unless you're going to privatize the jail facilities to a very large entity, you don't get a fleet discount on the insurance either. I just want to say to people out there who are forced to listen to this government's balderdash about how privatization will be cheaper, go out and make the comparisons. Bell telephone gets vehicles cheaper, gets insurance cheaper, gets a cheaper rate of WSIB than does someone else who is much smaller.

2120

So here we have a government that is going to take part of the public service and turn it over to a private operator. The private operator is going to incur higher costs on all of these items, yet the government is going to say to people, "It's going to cost less." There's only one way it will cost less, and that one way is if the private

operator so dramatically reduces the wages and the benefits of the people who will work in the privatized corrections facility that they find the money there. There's a problem with that. If you're only going to pay the people who work in the corrections facility a very small amount of money, if their wages are going to be substantially reduced and their benefits substantially reduced, we know that the people who are going to come forward to work in those jobs probably aren't going to be very qualified and probably aren't going to stay very long. In other words, security is sacrificed and the quality of the working environment is sacrificed.

People don't have to take my word for this. They can go look at how the majority of privatized prisons in Great Britain have operated, or privatized prisons in Australia have operated, or the great American experience. Which prisons, which corrections facilities in the United States have the worst record in terms of escapes? It's the privatized ones. Which ones do public police forces have to run around and in effect subsidize by recapturing the escaped individual? Privatized ones. Police have to fundamentally take on a larger role.

The history of privatized corrections in North America, as practised in the United States, has been a disaster. It has cost in most cases more money, it has resulted in most cases in a sacrifice of public security and it has similarly resulted, in most cases, in a sacrifice of the very kinds of rehabilitation strategies and rehabilitation plans that should form the part of any corrections system, especially a provincial one, since people there are limited to crimes that are of a less serious nature. People can only be sentenced to a provincial corrections facility for two years less a day, so their rehabilitation is important. But I would suggest to you that these are the very things that have been sacrificed in other jurisdictions and will be sacrificed here.

If it costs more and delivers less, why would anyone go down the road of privatized corrections facilities? I think we can refer to the Police Association of Ontario, good friends of this government who, when confronted with the question, why are they doing it, can only come up with one answer, "It's part of the government's ideological regime." It's part of what this government truly believes, no matter what the facts say. It's part of their ideological message, part of their ideological fervour, because when you look at it from the practical aspect of financial cost it makes no sense, when you look at it in terms of security for the community it makes even less sense, and when you look at it in terms of rehabilitation and bringing people back into society, it makes no sense at all.

The Acting Speaker: It being almost 9:30 of the clock, this House stands adjourned until 10 of the clock tomorrow morning, November 30.

The House adjourned at 2125.

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CONTENTS

Wednesday 29 November 2000

SECOND READINGS

Corrections Accountability Act, 2000,

Bill 144, *Mr Sampson*

Mr Gerretsen..... 5957, 5960

Mr Kormos 5960, 5961, 5965

Mr Sampson..... 5960, 5963, 5973
5976

Mr Caplan.... 5960, 5964, 5971, 5977

Mr Curling ... 5964, 5969, 5973, 5976

Mr Galt 5964, 5965

Mr Lalonde 5968, 5971

Mr Dunlop 5970, 5971, 5974

Mr Peters 5973

Mr Murdoch..... 5974, 5976

Mr Conway 5974, 5977

Mr Hampton 5977

Debate deemed adjourned..... 5978

TABLE DES MATIÈRES

Wednesday 29 November 2000

DEUXIÈME LECTURE

Loi de 2000 sur la responsabilisation en matière de services

correctionnels, projet de loi 144,

M. Sampson

M. Lalonde 5968

Débat présumé ajourné 5978

A20N
1
D23

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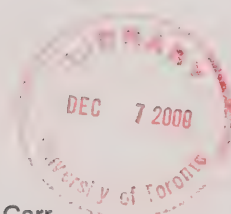
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 30 November 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 30 novembre 2000

*The House met at 1000.
Prayers.*

ORDERS OF THE DAY

ACCOUNTING PRACTICES

Mr Alvin Curling (Scarborough-Rouge River): I move that, in the opinion of this House, there should be a fund to relieve or mitigate loss sustained by any person as a consequence of dishonesty on the part of any public accountant in the practice of the profession of public accountancy, and therefore the Public Accountancy Act should be accordingly amended.

The Acting Speaker (Mr Bert Johnson): Pursuant to standing order 96, the member has 10 minutes to make a presentation.

Mr Curling: Let me first say that I want to express my appreciation to the Institute of Chartered Accountants of Ontario's Dave Wilson, who got back to me promptly when I spoke to him with regard to this resolution. I want also to mention that this in no way reflects that the chartered accountants' institute or the profession itself is in disarray but that it is a leader in this regard.

I understand too that I will take my 10 minutes and that later on in the rotation I will take some additional time.

I think I should put this resolution in perspective first. Maybe I should read the resolution in its entirety. It reads like this:

"Whereas in the profession of law in Ontario, clients are protected from a lawyer's incompetence by lawyers' professional errors and omissions insurance, and from a lawyer's dishonesty in the practice of law by the lawyers' fund for client compensation administered by the Law Society of Upper Canada; and

"Whereas in the profession of public accountancy, while members of the profession are required to maintain insurance against claims arising out of negligence and incompetence, there is no form of compensation for victims of an accountant's fraud in the course of the practice of the profession:

"Be it resolved that, in the opinion of this House, there should be a fund to relieve or mitigate loss sustained by any person as a consequence of dishonesty," as I read earlier on, "on the part of any public accountant in the practice of the profession of public accountancy." There-

fore I'm asking "that the House call upon the government to amend the Public Accountancy Act."

I've stipulated in detail sections which could be so amended to allow them to do so. One of the parts is by adding to the functions set out in section 7 of the Public Accountants Council for the Province of Ontario a paragraph reading "the protection of the public from loss arising out of dishonesty by an accountant in the practice of the profession, and the mitigation of such loss."

At this time, I'd like to explain how these things are set out in the act. There is insurance that covers negligence or incompetence on the part of professionals. Lawyers have insurance like that, and accountants also. Most professions have that kind of insurance protecting against negligence or incompetence on the part of that profession. There is another aspect: to protect where there is fraud or criminal behaviour on the part of professionals. Basically, the lawyers have had a fund to do that. This is specifically excluded from the coverage under the liability insurance that lawyers and accountants must purchase. The legal profession has put in place a mechanism for addressing this gap, but the accountancy profession has not done so. The lawyers have done so since 1953, have put this trust fund in place for any professional misconduct in regard to fraud or criminal behaviour so there is a fund to which victims have access. I'm asking that the accountants do the same, that they set up such a fund for victims of fraudulent acts by the profession to access.

This is an opportunity for the chartered accountants' institute to be leaders in this field. Lately, we have found a tremendous number of individuals whose accounts and finances have been fraudulently used, and they have no recourse unless they individually sue that professional. Many seniors have been gouged for their money in that respect, and I think we have to put it in place.

Of course, I understand the concern that the chartered accountants' institute and professions like that are self-regulating bodies and that governments should not be dictating to these organizations because they're self-regulating. But we have a responsibility as lawmakers and legislators to see that the interests of those who invested are protected. If we have given organizations and institutions the authority to self-regulate, we must also allow them the laws with which to do so.

In my resolution, I have taken the painstaking approach, of course with the great help of the researchers in this place, to point out to Parliament what areas could be amended to address those concerns. We should amend

certain sections of the Public Accountancy Act, as I stipulate in here, add to section 7, "the protection of the public from loss arising out of dishonesty by an accountant in the practice of the profession and the mitigation of such loss."

I've also included that we should add a provision empowering the Public Accountants Council for the Province of Ontario to establish a fund to mitigate such losses. I've also mentioned we should add to section 17 a provision empowering the council to collect fees earmarked for the compensation fund. Of course, the individuals in the profession would have to contribute to this fund, and giving them this amendment would allow them to do so.

Also, we should add to section 31 a subsection (2.1) empowering the Lieutenant Governor in Council to ask, to request, the Public Accountants Council to make regulations under subsection (1.1) and empowering the Lieutenant Governor in Council to make such regulations in the event that the Public Accountants Council fails to do so. We're giving the public accountants the opportunity to do so, and if they fail to do so, we have an obligation to protect those outside and the Lieutenant Governor in Council would of course make such regulations in that event.

Also, we should add a provision directing the council to make a regulation requiring members of the profession to alert their clients to any part of the accountant's work for the client that may come outside the scope of practice of public accountancy for the purposes of the member's professional liability insurance and the council's compensation fund.

Let me explain a bit about this. When you approach a doctor, for instance, you know that the person is certified and qualified and legally sanctioned to practise that profession, so you approach that individual with confidence. If I have a concern, if I have a complaint, if I have an ailment, this professional will look after me, and if anything goes wrong, we know this individual is accountable not only to myself, the patient, but also to the government and to their association.

1010

An individual who approaches an accountant, from all the times of seeing a chartered accountant, would say, "I'm in good hands. This institution is sanctioned by the government, it's a credible institution, so therefore I can lay my financial concerns at their feet and they can then end it accordingly." Sometimes it's outside of the chartered accountancy role, but because people see them as that individual, they come to them with that confidence to do so. I am saying in here that the chartered accountant then, in advising the individual, is to explain to the individual that this is outside the scope of the practice of public accountancy for the purposes of the member's professional liability insurance and the council's compensation fund. In other words, "It's outside of that, but I will still advise you because you have this confidence in me."

But when we do set up the fund, if this person in any way defrauds that individual, although it's outside of the

chartered accountancy regulations' jurisdiction, this person would have access to that fund accordingly. I am concerned that this has not been done in the past. When I get the opportunity to speak a little later, I will tell you about many cases.

This is the direction I am saying: to have chartered accountancy itself be a leader in this field in saying, "We are prepared to protect all clients who come before us with character and integrity laid out by the chartered accountants' institute or the Public Accountancy Act."

I look forward to hearing my colleagues discuss this in detail.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I would like to make a few remarks with respect to the presentation made by the member from Scarborough-Rouge River. He has expressed why he is doing it, although I had hoped he would go further.

He has based many of his reasons for doing this in terms of a fund that's available when lawyers have held monies in trust and where there has been perhaps fraud. Of course, you can't practice law unless you have liability insurance; you're just not allowed to. If a lawyer is deemed to be negligent by a court or if there is some sort of settlement, they are covered through insurance and the public is protected in that regard. If there is fraud, I don't think that insurance is available, which is one of the reasons there is a fund.

Lawyers hold monies in trust for a number of reasons. It could be the proceeds of a real estate transaction for a vendor, that he is holding the monies for a period of time on the direction of his or her client. It could be the proceeds of a mortgage transaction where monies are being held for a period of time either in the lawyer's trust account or in an interest-bearing account in which those monies are being held in trust. It could be the proceeds of an estate, in which lawyers hold monies for long periods of time, generally in an interest-bearing account.

Certainly, under the rules of the Law Society of Upper Canada, they are accountable. Those lists of accounts must be reported to the law society each year and they are reviewed very carefully. They are under the very strict scrutiny of the Law Society of Upper Canada. There are occasions each year, unfortunately, where fraud takes place, where lawyers have monies available and that fund is made available.

My friend Mr Curling, the member for Scarborough-Rouge River, has said that similar situations exist with respect to accountants. He very kindly sent me and, I assume, other members of this House a package of information, one of which is a copy of the Public Accountancy Act. I did take the time to read some of the sections of that act defining what a public accountant is supposed to do. I don't see anywhere where they are holding monies in trust. I am looking specifically at section 1. There is the performance of services for auditing, making financial statements, and those sorts of things. So if there are examples of fraud, and Mr Curling may be able to give this House examples of such, they are not normally in the course of an accountant. Any more, they're in the

course of my friend, the friend of my friend, my uncle, who may take money from me and say, "I have an investment for you." Unfortunately that happens, and unfortunately sometimes there are big losses because my friend or my uncle or the friend of my friend has taken that money. That could happen in any situation. So if it's done by accountants, it's normally done outside the profession.

You know, I must confess that our government has given examples of where there's too much red tape as to what we do in this province, and it may be very laudable, but how far do you go in protecting the public? The public makes investments. How far do you go? There is a province, the province of Quebec I believe, and Mr Curling may refer to that, which is the only other province that requires the accounting profession to maintain a compensation fund, so it's not unusual. The Public Accountants Council has not identified the issue of fraud as a significant problem that may warrant the creation of such a fund as a way to mitigate losses. The public accountants themselves haven't expressed a need for it. So although he may have some personal examples that he has yet to give that relate specifically to the profession of the accountant, the accountancy field, I don't think I can support this, because it's creating a form of red tape which the province of Ontario would be involved in, as I understand it.

I'll look forward to hearing Mr Curling's response, but from what he has said to date and from the material that he has sent to me, I can't support it because of the need.

Mr Joseph Cordiano (York South-Weston): I rise today to speak in sympathy with my colleague the member for Scarborough-Rouge River and in support of the intent of his bill to mitigate against losses that perhaps result from not negligence, but fraud and dishonesty.

It may be the case that accountants are not—as I've heard my good friend Mr Tilson, the member for Dufferin-Peel-Wellington-Grey, suggest—in the normal course of their professional duties taking funds in trust accounts, that they are not required to do so or that they shouldn't be doing so under the act that governs their body, their professional association. Perhaps that is the case. However, I would suggest to him that there are very real examples where fraud has taken place, and yes, that might be outside of the profession, but we have to remember that chartered accountants do have a very high status in our society. They are a professional organization; people look to them for guidance. They are in a trustworthy position. Consequently, there may be situations where people entrust accountants with funds.

I want to point out one of those cases. In fact, the member for Scarborough-Rouge River is a victim of such fraud and dishonesty. The member had placed with his accountant funds to pay his taxes that were owing to Revenue Canada. I believe this is a matter before the courts—it's now settled, it's no longer before the courts, so I think I can comment on it freely, but this is a matter that did go to court, was litigated, and a criminal charge resulted. There was defrauding of funds; there was dishonesty. I think that's a legitimate situation in which a citizen placed his trust in a professional.

1020

There is no provision under the Public Accountancy Act for the accountant to hold these funds in trust, but I suggest that perhaps there should be. I suggest that perhaps not only should there be that provision, but there should be a fund designed to mitigate against fraud and dishonesty as a result of that kind of trust being placed in that professional. I think it's time for the self-regulating body, the Institute of Chartered Accountants, to look at such an idea.

Perhaps the approach that my colleague is taking is not the correct one, and I have some difficulties directing a professional body that's self-regulating in the way that has been construed by my colleague from Scarborough-Rouge River; that is, to direct by way of order in council that such a fund be created. But I do believe there is a place for this initiative, and I think the institute ought to examine the possibility of creating this kind of protection fund, recognizing that the members of their professional organization do in fact take in funds from time to time, that it has happened. It may be an isolated situation. There are other examples here. But no profession is immune to these acts of dishonesty, no profession in any of the walks of life that I know of. Lawyers have such a fund. Of course, they're put in a position of trust. There are other professions that people look to for guidance. I won't even begin to talk about the brokerage industry; that's another matter entirely. But certainly we have to examine some of these white-collar crimes that are being committed that no one seems to have any power to deal with.

Yes, the courts do look at these cases and it is within anyone's right to bring such a case to court, but at the end of the day what we're talking about is, if we're dealing with a self-regulating professional body, as is the Institute of Chartered Accountants, then I would suggest to them that they examine this and perhaps look at creating such a fund.

I think that is the intent of this resolution. I would suggest that how that's accomplished—it may not be that this is the right approach, but certainly the intent is a good one, it's a laudable one, and I applaud my colleague the member for Scarborough-Rouge River.

Mr Garfield Dunlop (Simcoe North): Thank you for giving me a few moments to make some comments on this resolution. I would like to start by thanking the member from Scarborough-Rouge River for bringing this resolution up for debate. I would also like to thank him for all the effort and hard work he's put into putting this resolution together. As well, I would like to thank the members from Dufferin-Peel-Wellington-Grey and from York South-Weston for their comments.

It's my understanding that this resolution would apply primarily to chartered accountants, since they are generally the accountants who are likely to practice public accountancy, and this would not apply to certified management accountants and 99% of certified general accountants.

I would like to see the member for Scarborough-Rouge River give more specific examples of fraud that he's come across. I haven't really seen a lot of those yet.

I feel that this resolution is excellent in principle because it would protect the people from dishonesty on the part of an accountant. The problem is that there doesn't appear to be a lot of activity going on, and again I'd like to see more examples if he has some. The Public Accountants Council has not identified the issue of fraud as a significant problem that might warrant the creation of such a fund as a way to mitigate losses suffered by members of the public. If the Public Accountants Council and other organizations such as the CGAs and CAs do not feel there is a need for this type of fund, then I'm assuming there is not a need for the fund. For myself, I would need to consult with other accounting organizations to see if there is a need for a fund like this to be set up. For example, I have a number of constituents who operate chartered accounting firms in my riding. As far as I'm concerned, they have impeccable records. I would actually like to discuss the intent of this resolution with some of those people as well.

I'm aware there is a fund for lawyers' clients, but it does not necessarily mean that a similar fund ought to be set up for the clients of public accountants. There are noteworthy differences between the practice of law, which involves the handling of trust funds, and the practice of public accountancy. Existing liability mechanisms appear to adequately take care of claims arising from fraudulent activities and professional negligence or misrepresentation.

I'd like to take a little bit of time from this debate to point out some excellent accounting practitioners in my riding of Simcoe North. Near the beginning of this year, I was pleased to host tax preparation clinics in both the town of Midland and the city of Orillia for people on fixed incomes and low-income seniors. I was really pleased with the response I received from the accounting firms in the area. I'd like to thank the company called the Bean Counters and Charlene Anderson, who ran the clinics in Midland, and the Huronia chapter of the certified general accountants, in particular Anita Zeigler, who looked after the clinic in Orillia, for all their technical expertise. We never had a lot of seniors come out to the events, but it showed a great deal of interest on the part of the accounting firms, and I was pleased to be part of that. I'd also like to take this opportunity to thank the Royal Canadian Legion in Midland and the Tie Club in Orillia for graciously donating their buildings for this clinic.

I understand that in terms of this resolution, the only other jurisdiction that has something similar is the province of Quebec. I'd be curious to know why other provinces haven't joined in as well or whether, in this case, Quebec is showing some type of leadership and has a good reason beyond the reasons we've been shown today.

In conclusion, I will say that I support the idea of the resolution and the principle behind it. But right now I

cannot support the resolution itself without further input from the people and organizations that will be affected the most. I certainly look forward to further debate on this resolution. I know my colleague from Barrie-Simcoe-Bradford has some comments to make. I appreciate this opportunity.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm very pleased to join in the debate. I, like the member from Simcoe North, have had the opportunity to work with certified general accountants with respect to providing tax preparation days for seniors within the community. Certainly there is a different level in the accountancy profession. Unlike lawyers, there is only one kind of lawyer, although there may be different specialties within the legal profession. But for accountants, you have chartered accountants, certified management accountants and certified general accountants.

The interesting thing about the member's resolution, which seems good in principle—I have a lot of respect for the member from Scarborough-Rouge River—is that it would appear to apply primarily to chartered accountants, as they are generally the accountants who are licensed to practice public accountancy, for example doing audits of corporations. This would not apply to certified management accountants and 99% of the certified general accountants, as I understand it.

What was trying to be dealt with here is setting up a compensation fund. What appears to be lacking—and we may be able to deal with this—is a demonstrated need for that particular fund. The Public Accountants Council, from what I understand, has not identified the issue of fraud as a significant problem that might warrant the creation of such a fund as a way to mitigate losses suffered by members of the public.

1030

I don't have any information as to what exactly the province of Quebec does. It requires the accounting profession to maintain a compensation fund. That's a much broader term, "accounting profession," than what my friend is coming forth with, which is in essence a Public Accountancy Act that deals with a specific type of accountant.

The intent of the bill that has been put forth is to compensate clients who have been defrauded, focusing on fraudulent activity, not necessarily negligence or incompetence but fraud or criminal behaviour. As he said in his letter, since 1953 the law society has maintained a lawyers' fund for client compensation funded from a portion of the membership fees lawyers pay to compensate victims of fraud committed by lawyers in the course of the practice of law. The Institute of Chartered Accountants of Ontario does not maintain a similar fund.

In essence, looking at the bill, the question is whether it is broad enough to cover all of the accounting profession in this province, because it's a big profession. People rely not just on the chartered accountants; they'll go to certified general accountants or they'll go to certified management accountants. Quite frankly, I don't know whether the public particularly knows the differ-

ence. The accountants know the difference in terms of what they can and can't do.

The coverage is the first issue. The second issue is whether there's a demonstrated need. Obviously, as the member for Simcoe North commented, dealing with the stakeholders in terms of what their ideas would be is what we take from this, because as the member for Lawrence indicated, there are situations out there that everybody can see is a bad situation, where people have lost a lot of money. You want to make sure you can protect the public. That is what this bill is about: the public interest. That's why it's good in principle, but we have to make sure it works. Those are my comments. I know the member from Scarborough-Rouge River will say more.

Mr Curling: I again want to emphasize very much that I have great respect for the Institute of Chartered Accountants. They have dealt with me very honourably and they have been very professional in any sort of situation or events where I've had the opportunity to deal with them.

What I'm doing here is because of that great respect I have for that institution. That's why I'm saying to them, "Why don't you, as that institute, lead the charge in addressing some concerns that are out there?" It is not picking on chartered accountants in the least. I'm identifying a respected institution to say there are situations out there where people have professional interests. They hold them in trust for their funds and for their advice. If they lead that charge, I think they will lift their standard much higher.

There is some concern. I have listened to my colleagues from Dufferin-Peel-Wellington-Grey, Simcoe North and Barrie-Simcoe, and of course my dear friend from York South-Weston. These professionals do acquire money interests from their clients. Many people have asked their accountants to hold money in trust in many ways. Sometimes people go to them asking them to invest this money, or as in my case and many others, they've asked them to pay their taxes, so the money is held in trust for further advances to the respective institutions, in my case to Revenue Canada.

There is a responsibility when someone holds your money. The fact is it's in trust to do the things they are held in trust for. If that goes awry, especially in this direction, there's no redress for that. As a matter of fact, if the individual handles it in a fraudulent manner, there is no fund. Of course, the individuals are saying that you can go to the courts and get that redress. In other words, you have to then find maybe another \$10,000 or \$15,000, or whatever the costs would be, for a lawyer to approach this individual who has used the money accordingly. There is no way in which to get that money, unless you have money to put forward to do that.

I think the concern that one has is, "I didn't know that accountants hold money of other individuals in trust." Yes, people do hold money in trust. As a matter of fact, I would have liked to have gone even further on this matter, to say that any individual who holds money in

trust—that the bank itself should be held responsible if that money is deposited in the bank and say, "This money is held in trust for clients A, B and C," and when that money moves out of that account the clients should be so advised that the money is being moved, and not that the individual, the professional, goes to the bank and takes your money out and does whatever they want with it, and then, if it's fraudulently done, you have to sue that individual. I think there is something wrong with that.

Let me address again a concern about the deregulation, about self-regulated bodies. We are concerned and we want to send direction to self-regulated bodies. There is really no such thing as self-regulated bodies. Let us be completely honest about this. They are in place because of regulation through the Lieutenant Governor or through the House of Parliament here. They are monitored daily, regularly, to see that they adhere to those regulations or to the jurisdiction in which they are given that sort of order. If there are needs to be addressed, it is our concern as lawmakers here to make sure that the clients are protected, the citizens of our country are protected.

Of course, some institutions would say, "We see no problem with this, so we don't have to really address that." That concerns me a bit, because sometimes an organization is going along nicely but maybe not realizing that other incidents are not being addressed. It is within our power, it is within our jurisdiction, to then say to those groups, "You should address this, and if failing to do so after a certain time, we would then have legislation in order to advise you accordingly. By the same legislation that we give you to operate, we'll give you further powers with which to do further things."

In this instance, I don't see anything wrong with giving the Public Accountants Council the power to create a trust fund which they can collect from their members in case of fraud or dishonesty because of the profession, so that clients can approach that account to get compensated. As a matter of fact, I think it enhances the comfort of those who are investing to know—I know we say that Big Brother is watching, but let us be the ultimate individuals, the people in the Parliament here, so that people realize that they are being carefully watched, carefully adhered to, and that we have the full confidence in the institutions that are doing it. So the fact is to give them more power, so to speak, to carry out that kind of jurisdiction and those orders.

I'm emphasizing again that it is because of the respect that I have for the chartered accountants that I feel they are the ones who could lead the charge in this regard, and I think others would follow.

We heard a member here say something about "some more of that red tape." It's not red tape at all; it's just a matter of making sure that people's money is handled properly.

There's another concern here. Why is it that the police are not following up on some of these cases? The police will tell you that when it comes to cases like these, fraud in this instance, this way, they don't have the resources. They lack the resources to do that. Maybe here is where

the government would come in. Failing to do this, maybe the intent of the resolution is to start the debate, and maybe that's where we may start addressing it: give the police the power, the resources in order to do this. Billions of dollars are being taken down in situations like these and people have not yet been able to address that. Police are crying out, "Give us the kind of resources to address those concerns," and they're not there.

1040

It's funny that if my house is invaded and someone steals my money in a break-in, I call the police and they are there in a flash. But if someone takes my money, which we call white collar crime—

Interjection: Your life's savings.

Mr Curling: If you take away someone's complete life's savings, as my colleague mentioned, completely destroyed—not a radio or a TV or a video in the home, but someone's complete life's savings—\$150,000, \$250,000—someone at 65, 85, a senior, there's no redress for this because the police have said, "We don't have the resources. We do have the resources to come when someone breaks into your House, of course."

I feel that here is an opportunity for a respectable organization, for the chartered accountants, to say, "We can do our part in self-respect." This resolution came about to say, "Let the debate begin." Let the debate begin where there is a shortage of resources, especially in the enforcement or following up of investigation of fraud and giving the police the necessary resources to do the job. Let them do that. Give them that. Maybe we cannot address all the fraud situations or fraudulent acts by a professional through this direction,, but we must also have the follow-up in the sense of the police having the resources to follow up on these fraudulent cases that are happening. They can do so much with limited resources.

We talk about taxes. There is where we have been deprived of billions of dollars of taxes that are due to this province and this country, and I would like them to address that.

Ms Marilyn Churley (Toronto-Danforth): I'm pleased to speak to the resolution put forward before us today by Mr Alvin Curling. Let me say from the outset that I have a great deal of sympathy for Mr Curling's plight and all of the others who were defrauded by this particular individual. Reading the press clippings about the case, it's very disturbing indeed. I can only imagine what Mr Curling and others who have lost thousands of dollars to this individual must be feeling. I find it difficult to imagine, particularly for people who perhaps don't have a lot of money and put their trust in this man to find that he abused that trust and defrauded them. I know in the clippings I read that a particular person said that he had lost over \$30,000 that he and his wife were putting aside to send their kids to university. I'm sure there are many others who perhaps lost their life savings to this particular individual.

I guess the closest experience I ever had to anything like this was simply having a suitcase stolen on a train on my way to New York City. Of course when you go to

New York you bring all kinds of your best things because you think that you're probably going to have an opportunity to wear your favourite clothes and best jewellery when you're going to a city like that. I remember I didn't sleep for nights after just losing a suitcase and some of my favourite things in it. This is my opportunity to vent publicly about losing that suitcase. It was in fact a hockey bag, the hockey bag that's used by the Toronto Maple Leafs, and it was signed by Wendel Clark. I was actually using that bag. So I lost a bag with Wendel Clark's signature on it and a lot of favourite things.

I, however, despite the fact that I was upset about losing the bag and the contents of that bag, was covered by my insurance company for the loss of those goods. That's the closest I've come, except for a house break-in at one point; again, my insurance covered the loss. Even though it's distressing and you really do feel quite violated when it happens, in both situations I was at least covered by my insurance company. That is why I have a great deal of sympathy for the people who have been defrauded by this individual, and for the resolution before us today. I believe this is an issue that is worth debating and one that merits further examination.

I support such a resolution, but only to send it to a committee to examine further. I can't support—I guess in speaking as an individual, but I'm also speaking to some of my caucus members—a resolution that sets up a fund by a committee that doesn't want it. As you know, Mr Curling, that's the situation we're in right now. I believe Mr Curling also understands that his resolution fails to describe the depth and breadth of the problem overall. There are a lot of questions that need to be answered.

Having said that, we know that fraud does exist and clients need to be protected. As the former Minister of Consumer and Commercial Relations in charge of consumer protection in this province, I know full well, perhaps more than others, how much fraud there is, unfortunately, across the board throughout our society. I saw horrible cases, when I was the minister responsible for consumer protection, of people being defrauded in all kinds of situations. So I have a lot of sympathy when we find a situation where there is fraud and there is no obvious way for those clients to be protected.

This resolution, as I understand it, calls for accountants to pay into their own fund in order to help victims when they have been defrauded by their acting accountant. It seems like a responsible thing to do. However, the resolution calls on the Public Accountants Council to set up this fund and administer it, and this is an idea the council opposed. As I understand it, again, the council would prefer that this resolution be used to spur debate, to educate the public, but it feels it can manage its affairs quite well as they stand now.

I have serious reservations about forcing this council to create and administer a fund to compensate victims when they oppose it. I just don't think it could work. Victims may not be adequately served by a fund administered by a council that doesn't want to do it.

I suppose, and this is one of the things that could be looked at, an alternative would be to appoint a neutral

body to create and administer the fund, but this clearly requires deeper examination of the issue and the alternative.

Again, my understanding from listening to Mr Curling is that he wants to use his resolution today as an opportunity to bring this issue into public debate. I think that's a really good idea. I think we should send it to committee and have that debate.

As I understand the details of the fund, it would be set up by the Public Accountants Council, it would involve no public or taxpayer dollars and it would be there for people who get ripped off by their accountants, which I understand is also not that common. It's a professional body that has a very good reputation, but in every field at some time or another there are a few bad apples, and that's the case in this situation.

The fund and the parameters around it would be modelled after a similar fund that the law society has maintained since 1953. Members would pay into the fund, which would compensate victims of fraud. To make the fund a reality, you would have to amend the Public Accountancy Act.

Again I would say, with a great deal of respect for the member and what he's trying to do here, there are a lot of questions that remain unanswered, and I think he's aware of that. He doesn't describe whether accountancy fraud is widespread enough to merit such a fund. I'm sure in his particular circumstances and those others who were defrauded in this case, just those few are too many, but we need to have further information.

1050

Having said that, we know that fraud does exist; we just don't know how much it is happening out there. We can probably agree with the law society's rationale for such a compensation fund. Since the law society set up its compensation fund, it has paid out more than \$45 million in grants to defrauded clients. The problem of accountancy fraud may or may not be as widespread, but for victims of such fraud I'm sure a compensation fund like this would be a godsend. There are no two ways about it: anybody who has been defrauded under this particular act would be very happy to have such a fund.

As I understand it, looking at what kinds of losses would be covered, while public accountants are required to maintain insurance against claims arising out of negligence and incompetence, there is no form of compensation for victims of an accountant's fraud in the course of the practice of this profession. So this fund that Mr Curling is suggesting today would cover losses arising out of dishonesty by an accountant in the practice of the profession, and mitigation of such loss.

Under the law society's compensation fund, victims can be reimbursed for up to \$100,000 in losses caused by the dishonest conduct of lawyers admitted to the bar in Ontario. Typical losses covered include the theft of money from estates, trust funds being held for real estate closings, settlements in personal injury actions and money embezzled from clients in investment transactions. To qualify for this fund, the claimants must be

able to show that the money or property came into the lawyer's hands.

The lawyers' fund doesn't cover losses resulting from malpractice or negligence of lawyers. Most of these should be, and generally are, reimbursed through insurance claims.

The resolution that's before us today leaves some questions. Some of the things we need to know about this resolution would be: what is the scope of the problem? How many Ontarians are defrauded by their accountants in a given year? What is their current ability to get compensated for their loss? Should there be such a fund, who would be in the best position to set up such a fund? What would be the annual fees for accountants to set up and maintain the fund? Who decides whether to grant compensation to a victim, and what is the basis for that decision? Is there an appeals process? What kinds of losses should be covered? Obviously, we require many more specifics.

I would say to Mr Curling, in closing, that I support the sentiment around the bill but I can't support the resolution as it is put forward today. As I said at the beginning, I can support the general thrust of this resolution but we need a lot of questions answered. Also, we need to have the people who would have to set up this fund on side and participating in the discussion around how it would be done. As I understand it, from the wording of this resolution, they are not supportive and it just wouldn't work under those circumstances.

I want to make it clear that I think it's very important to have this public discussion and figure out a way to help victims who are defrauded by their accountants. There is no doubt about it, we need to have some kind of accountability, not just through the court system. There needs to be some way that people can be compensated if they are defrauded in this manner.

I fully support it going to committee. I fully support having some kind of process put in place so there can be a public discussion and also one where the accountants are involved in that discussion. We need all kinds of information to figure out what would be the best solution to this problem.

I want to thank the member and congratulate him on bringing this forward. I think it's important. We're talking about consumer protection here. I'm always concerned and deeply angered when I hear about individuals who take advantage of their clients in this way. It is unacceptable. Of course I know there was a trial of the individual who was the cause of this resolution before us today. He was asked, I believe, to pay back a certain amount of money after he gets out of jail. I think I'm correct about that. But is that money there? Is there going to be compensation from this individual? I would say that in many cases that money is not going to be there even if they have been ordered to pay it.

I'm all for looking at this issue further, but I cannot support the resolution that's before us today in the form in which it is written. Perhaps the member, when he's giving his closing statement, has some answers to those

questions. I would also like to understand from him today if his position is that he understands we have a lot of questions. There are concerns about where he's heading and about these holes in the resolution before us. It's my understanding that Mr Curling is taking the same position, that this resolution may not be the answer in its form today, but that it's an issue we need to take a look at and find some solutions to.

The Acting Speaker: The member for Scarborough-Rouge River has two minutes to reply.

Mr Curling: Let me express very wholeheartedly my thanks for the contributions by my colleagues from Toronto-Danforth, Dufferin-Peel-Wellington-Grey, Simcoe North, Barrie, York South—all the members who have spoken so eloquently and so directly. I appreciate their honesty in that approach.

I think you have grasped exactly the intent of this resolution. Many times in this House we want some discussion, some debate and some more open questioning. You're perfectly right: all questions cannot be answered by a short debate, but many questions can be raised while we're here in this short time.

Those questions that are raised are of concern to many people who have become victims of fraudulent acts. We cannot stand around and wait until we have some rather great statistics and say, "There's a tremendous amount of people. When it reaches this level, we will then start to put something in place." One person's life savings destroyed is enough for us to stand up and say what's happening here, because it has a chain effect. If someone in a family loses \$150,000, it can destroy an entire family and have a chain effect.

Maybe we should look at that. As I said again, what better institution than the chartered accountants to be leaders in all of this to say, "Let's go forward." I fully agree. If this resolution could go forward to a committee where we can discuss it, where it's much wider, I could use the chartered accountants to champion the cause and say, "We are prepared to do this. We are not in any way at all near to some of the dishonesty that goes on elsewhere, but we are prepared to move forward like the lawyers did in 1953 and set up a fund." Even if the fund is not set up, they could say, "Here's a strategy. We think it has to be addressed."

I think you're right that we should move this forward to a committee where the answers could be given to many of the questions that are raised.

1100

TRUCKING INDUSTRY

Mr R. Gary Stewart (Peterborough): I move that this House acknowledges the necessity for an industry-driven truck driver training criterion; encourages the establishment of a self-regulatory, self-administered body enacted to support the direction of truck driver training in the province; supports this body at arms length in order that it maintains the best practices of ensuring the values of public safety in the province; endorses the nature of

self-regulation in this industry as a necessary step in ensuring that only the best prepared, most effective licence applicants approach the class A examination; and supports the truck driver training sector in seeking to further such province-wide safety considerations.

The Acting Speaker (Mr Bert Johnson): Pursuant to standing order 96, Mr Stewart, you have 10 minutes to make your presentation.

Mr Stewart: Before I make the presentation, I'd like to acknowledge some folks in the east gallery from the Truck Training Schools Association of Ontario: Scott Brownell, Colin Matthews, the real Brian Adams, Karen Mitchell, Wayne Campbell. From Markel, Bob Pratt, from Adanac, Ed Shaw, from Zurich Insurance, Charmayne Lund-Peterson, and from Truck News, John Curran. Welcome and thank you for coming.

I'd also like to say thank you to the legislative security service for allowing us to bring the transport truck down today to emphasize the importance of this resolution.

The trucking industry is changing these days. The just-in-time service has meant a drastic increase in the number of trucks on our highways. The public feels there are increased accidents happening involving large trucks. Whether that be factual or not, the perception is there.

The bottom line of my resolution is increased safety on our highways. It's about increasing the ability and qualifications of future professional truck drivers. It's reported that over 5,000 new truck drivers will be needed each year over the next 10 years in Canada. The Canadian trucking industry is at a strategic crossroads in its human resources management.

The industry faces a number of major challenges as it moves into the new millennium. One of the main problems is making sure new truck drivers are qualified and well trained to enable them to pass the MTO's class A licence requirements, and I believe the key word is "qualified."

Many transport companies know there are many available drivers who hold a class A licence, but a good professional truck driver requires more than the driving skills represented in that type of licence. This is not about passing just a licence test. It's about knowing the basic operation of driving a transport. It's about interaction between trainees and the vehicle, things like knowing about air brakes, shifting, control manoeuvres, safe operating practices, vehicle inspection, backing up, coupling and uncoupling. There has to be interaction between the trainers, the vehicle and the very busy highway traffic environment. This resolution is about defensive driving techniques.

The new drivers of the future must know about speed management, they must know about night driving and they indeed need to know about extreme driving conditions. In Ontario, due to diverse weather conditions, emergency manoeuvres such as vehicle shifts and controlled recovery must be familiar to a professional driver.

These qualifications cannot be taught to new drivers without a set curriculum that is standardized throughout the province, a curriculum that includes a minimum

number of hours of theory, a minimum number of hours behind the wheel and a minimum number of hours of observation.

The object of this resolution is to supply the industry with safe, knowledgeable, employable drivers, as well as a standard for qualified instructors who can certify the new drivers as they graduate.

We have qualifications for those instructing people in driving cars. We have the graduated licensing system that was set up a few years ago to make sure the new young drivers who will be driving cars on our busy highways have the qualifications. Yet we don't have those kinds of qualifications for those who are going to take these trucks out on the roads and on busy highways.

There are those who are setting up in business for instruction in truck driving. They then suggest they are tutoring applicants or training drivers, rather than calling themselves schools. When observing their operations, they are indeed not schools. If this is done, no regulations apply. When this happens, there is no curriculum approval required. Any similarity to a good curriculum is irrelevant.

This resolution is about allowing those in the business of truck driver schools to look at setting industry training standards and to encourage the establishment of a self-regulatory and self-administered body to direct, set the curriculum, and set the specified standards of best practices.

The Truck Training Schools Association of Ontario, which, as I mentioned, are well represented here this morning, would take the lead role in this initiative. This resolution is supported by many in the industry.

The Ministry of Transportation says, "We applaud the efforts of the Truck Training Schools Association of Ontario to bring the standards for the curricula of truck driving training up to date."

The Ontario Trucking Association, which helped support us to bring the transport out front today, supports this resolution, a resolution that will lead to evaluating standards for commercial driver training.

The Insurance Bureau of Canada supports this resolution and supports the establishment of training standards for new drivers: "Our industry encourages you and your colleagues to develop minimum standards for training schools." Also included as part of the Insurance Bureau of Canada are Zurich and Old Republic, from which we have letters of support on file. They want to make sure that the instructors also are well trained and that there is "a plan to monitor and enforce the standards put in place."

The trucking industry adds their support: companies like OK Transport, Manitoulin Transport, Erb, RIM Transportation, Morrison Trucking and Point Pelee Transportation, just to name a few.

All those that make up our truck transportation industry are calling for stricter training program guidelines. Many of these transportation companies know there are licensing mills that are producing substandard drivers. I have been told stories by young would-be drivers about

things that border, I believe, on fraud. Many have spent a great deal of money for so-called training with little hope of ever getting employment as a transport driver.

I personally believe that those who operate within the transportation business, or indeed any business, know what they need, know how it should operate, and know how it should be controlled, in co-operation with all those who are affected. This is why I am a great believer in self-regulation. It has worked well for organizations like Real Estate Board of Ontario and for the travel industry, very supportive of self-regulation.

I would like to ask all members of the House to support this resolution. As I said at the start, the bottom line is qualified drivers and safety on our highways. It is about safety on the highways and I believe it is indeed about the lives of all Ontarians who frequent those highways on a day-to-day basis.

1110

Mr Joseph Cordiano (York South-Weston): I am happy to have an opportunity to speak to this resolution. I think the thrust of this resolution is important in the sense that establishing a higher standard for truck driver training services is a laudable goal. However, the track record of this government when it comes to matters of road safety, when it comes to dealing with the problems associated with trucks on our roads, is abysmal, an abysmal record that this government can hold itself up to.

That fact is that Bill 137, which allowed the Minister of Transportation to privatize driver testing services, which we believe is a mistake, also allows the minister to privatize any services relating to road safety. For example, truck inspections, including spot checks and weigh stations, could ultimately be privatized. Highway inspection and monitoring, including inspection of new highway construction, could also ultimately be privatized.

In fact, there is no evidence to suggest that the privatization of such services would lead to any additional cost savings or that these services would be provided in a more efficacious way and result in a better system. The evidence is quite to the contrary. The auditor in 1999 pointed out, with regard to highway maintenance, that no savings had resulted from the privatization of these services, that in fact there were significant increases in the costs of highway maintenance—significant increases. No savings resulted from any of these privatizations.

So we have great concern about the privatization that has been undertaken by this government. Ultimately, with respect to enhancing the training of truck drivers—well, it's like sticking a Band-Aid on a serious gash on a body. There is a concern that what's being discussed this morning is certainly not going to address the ongoing problems we see on our roads and highways with respect to trucks and the safety of those trucks. We have real concerns about highway maintenance and road safety spot checks that need to be conducted, and those continue to be our concerns. When you move to privatize these services, the evidence suggests that there is no significant

improvement and that in fact these services being privatized lead to additional costs.

The case being made in this resolution—again I say it's a worthy direction the member intends to go in. Who wouldn't want higher standards? But is that what we're getting on our roads? Are we getting safer roads as a result? The evidence today suggests that is not the case, that if the government took this seriously, it would not move to privatize these services in any way; that driver testing needs to be maintained at a high level; that the government should continue to have some involvement in this and, as a result, safety would be enhanced. The evidence suggests this time and again. Why the government wants to move to privatize these additional services is questionable at best.

I would say to the member, your resolution speaks to truck driver training, enhancing it, creating a higher standard. These are all worthy goals. But the real record of your government suggests quite the contrary, that highway maintenance is not something that should be privatized, that driver testing should not have been privatized, and that furthermore our roads are questionable with respect to safety.

Thank you for giving me this opportunity to speak.

Mr Marcel Beaubien (Lambton-Kent-Middlesex):

It's a pleasure for me to rise in the House today to speak on the resolution from my colleague Gary Stewart from Peterborough regarding truck driver training.

I fail to understand why the member from York South-Weston is talking about cost saving and privatization and road maintenance. I drive the 401-402 series every week and it has never been in better shape. To be honest with you, I don't know whether it's the private sector or the public sector that's looking after it, but it's in good shape.

The real subject matter this morning is road safety, protecting people. I want to relate some stories about driving the 401. I'll be leaving for home this afternoon and it'll be a pleasant—sometimes unpleasant—drive, probably three to three and a half hours. If you're driving in the middle lane of the 401, sometimes you have a truck on the right side, one on the left side and you're right in the middle. Then you look in your back mirror and you see a big grille. Let me tell you, a pleasant ride becomes very unpleasant quickly, but the problem is many times you've got traffic ahead of you and you can't go anywhere, so you're stuck with a truck on each side of you and one in your back seat. I don't think that's very safe. I would call that aggressive driving.

I want to talk about the economic and social impacts when you have an accident. I think we all know the economic impact: insurance rates go up, there's car repair, but that's not too bad; we can deal with the economic impact. The social impact is the issue that I want to dwell on.

Basically, section B of the automobile policies is the section I want to deal with—because we do have accident benefits, and there's disability and rehabilitation funds available when somebody's hurt in an automobile accident. But there's also the emotional impact of somebody being hurt in an automobile accident. There's no cost

associated with that. You cannot get enough money to repair the damage that has been done. I'm sure many families in Ontario and in Canada have experienced that. The intention of the resolution this morning is not about privatization, it's not about government, it's about training people to make sure that when they're on the road, they drive in a responsible, safe manner.

Can anyone out there tell me whether it's the public sector or the private sector that provides it? Does it make any difference? As long as the end results are there, as long as the parameters, the standards are met, who cares who provides it? As the member from York South-Weston mentioned—he was talking about cost saving—of course there would be some cost savings, but to me the cost savings would be from a social point of view. If we can save one or two persons from being involved in an accident, there's a major cost saving. Once you experience somebody close to you who has been involved in an accident—it's not a pleasant experience. Why do I say that? Because for almost 11 years, my brother, my sister, my mother—we have lived with that. Why is that? Because my father was hit by an irresponsible driver almost 11 years ago. It's quite difficult when you go and visit your father every week and your father doesn't even know you, doesn't even recognize you. You cannot have a conversation with that person. You cannot connect with him. Can anyone tell me, is there enough money under section B of the policy or section A of the policy to compensate anyone for that? I don't think so.

That's why I'm in favour; that's why I will support the motion of the member for Peterborough, because the resolution is about safe driving, it's about having responsible drivers on the road. Once we achieve that goal, I think we'll all be better for it.

Mr Mike Colle (Eglinton-Lawrence): I am here to rise in support of the resolution. I think it's obvious there has to be standardization in truck driver training. It's obvious that in an industry where the reliable truck driving training schools put in a lot of capital investment and expertise, they need some kind of self-governing body in this case that will help reinforce the good schools and the good practices, as opposed to these fly-by-night operators who put little capital investment, little resource, little expertise into driver training and give everybody in the industry a bad name. Obviously they have come here to the member for Peterborough asking for that support, and I commend him for proceeding.

1120

As we know, the government side always says we don't need government; government is bad. We do need the government to intervene when it comes to the whole realm of safety. This is about safety, it's about safeguards. We need this type of regulation in order to ensure that the schools that are not real schools, the truck driving training centres that are not real centres, that are basically in it for the quick buck, cannot take advantage of the good people in the industry and the people who want to be truck drivers. That's why I think it's a good resolution. I'm more than happy to support it.

The other thing I should mention is that I think this in some ways goes contrary to where the government is going. As you know, the government is going to privatize the traditional driver testing centres we've had in Ontario for decades. I think that's very dangerous. I don't feel the government should allow the testing of drivers to the marketplace. There's a role for government in testing drivers of all ages, especially young drivers, and this resolution is in a more positive direction, as opposed to the government's attempt to now leave driver testing, which over the years has been very good in Ontario, to the marketplace.

I would also mention that in the trucking industry the other serious concern is that the price of doing business in this province as a trucker is getting out of the hands of ordinary, small, independent truck drivers. As you know, the price of diesel has gone up over 100%. We on this side of the House have put forward four bills to try and protect the motorists and truck drivers in Ontario from the gouging that's occurring at the pumps. The government has blocked those four bills. I have my own bill, the gas price watchdog bill, where we've asked for an ombudsman appointed by the government to keep the oil companies accountable. The oil companies still cannot explain why the price of diesel is now almost equal to the price of gas.

This government is on the side of the big oil companies. They refuse to appoint an ombudsman to take these big oil companies to account. The price of diesel is a rip-off. There is no explanation, and I know this government has not asked for an explanation, of how the price of diesel could all of a sudden now be the same as the price of regular gas. It is shameful that this government has blocked the four or five bills we've put forward asking for an accounting, because it's not only, as I say, people who are recreational drivers. People who are driving for a living cannot make a living because the price of doing business at the pump is astronomical. It's not fair. It fluctuates. There is weekend gouging. That is one of the most serious things facing everybody in the trucking industry.

This government proposed a so-called deal three weeks ago. They have basically failed the trucking industry. There is no deal. The price of diesel is still gouging truckers as we speak. One gentleman said he was getting paid \$750 to haul a load from Florida and he had to pay \$700 for diesel fuel. So you can't make a living in Ontario now.

This government is not listening to ordinary small business people who are driving trucks for a living. I ask them again to pass our bills, which ask for protection for truck drivers and motorists, and not to just support big oil companies that don't need your help. It's the trucking industry that needs your help. That's why I'm more than happy to support this bill, because it does help the industry.

Mr Tony Martin (Sault Ste Marie): I'm happy this morning to have an opportunity to speak on this issue, because it gives me an opportunity to expand on a theme

that we in this caucus have been talking about for some time now, which is this government's constant and continual effort to try and duck its responsibility to actually give some leadership and be tough and put some resources into things that fall under the rubric of the common good out there. Certainly this does. When you talk about road safety, it covers a whole lot of territory, including safety of trucks on the highway and the behaviour of truck drivers.

But to suggest for a second that the magic wand that this government uses so often around here to solve almost every problem they confront, which is to turn it over to the private sector, I think is to be simplistic and not realizing of the complexity of some of these issues and the need for government to take strong and determined action, to take leadership, to live up to their responsibility that it was handed on election day, to actually govern in this province and to protect the life and health of the citizens who call Ontario home.

We again see the members of the government come in here, as the government does on every occasion, with a piece of legislation that's about none other than turning more things over to the private sector, turning it over to the marketplace for regulation and leadership and determination and pretending that it's something else.

In this instance they make a very good case for road safety, and I don't think there's anybody in Ontario today who doesn't understand or support efforts by anybody where road safety is concerned. We all need to be doing our best, our utmost to make sure the highways we drive on are safe, not only for ourselves but for our families and for our friends and neighbours.

But to paint the difficulties we're facing and the number of accidents that are happening out there and the overloading of highways with various sorts of vehicles in various states of repair or disrepair and determine that simply by turning it over to the private sector we will solve that is, I think, not understanding the tremendous challenge we all have in trying to deal with that. We've had example after example of this government painting a picture and then, because they have painted a picture, coming up with an answer to some of the shortcomings that perhaps are in that picture.

I just came this morning from a press conference downstairs where we had a number of people talking about the circumstance that people who are in receipt of social assistance find themselves in these days in this province, after six years of living below subsistence levels of income because this government determined that it would be good for them if they lost 21.6% of their income; it would somehow force them to do things they otherwise wouldn't do on their own. Well, we're beginning to reap some of the seeds sown in that initiative. Now you have children who are undernourished; you have single mothers who cannot for a second consider getting out of the circumstance they're in because they can't afford to go back to school because of changes that were made in regulation there; we find more people sleeping in hostels, sleeping on the street and not quali-

fying for the assistance they need, not only for themselves but for their children, because of some technicality or other.

Hon Margaret Marland (Minister without Portfolio [Children]): I don't get this.

Mr Martin: I'm just going to tell you in a second, if you pay attention, Minister responsible for children. Children are the victims of your initiative where welfare is concerned, and the drivers of Ontario will be the victims of your government if we move forward in the spirit of the resolution that's placed here before us today.

You do this over and over again. You define a problem we can all identify with and recognize and admit that we need to do something about, and then you bring in this very simplistic, short-sighted, unthoughtful and unintelligent response which is simply, "Just turn everything over to the private sector. Let industry take care of it."

We know, and I'm not casting any aspersions here, that the private sector and industry are about making profit. I have no difficulty with profit, I think profit's a good thing, but we have to understand the place of profit when it comes to the common good of all of us who call Ontario home.

1130

There are some things in this province that should not be about profit, should not be about industry and the private sector making money on the backs of or at the cost of some of those things that we know and have determined over a number of years are actually things that government should be taking responsibility for.

This government, however, doesn't see itself as government. It has on many occasions in this place puffed up its chest to say, "We are not the government; we are here to change the government." They're not here to change the government; they're here to get rid of government because they don't see the role that government can play where the safety of roads is concerned, among a whole lot of other very difficult challenges that we face in our world today.

This government is ready to get tough with everybody except for their friends, those who support them in their election bids and those who I guess make sure they get those things they need to make their life somewhat more comfortable, but always at the expense of the larger majority of people in the province who are actually working for a living and trying to take advantage of some of the things that together we can, through government, provide for each other that don't individually and privately cost us a whole lot of money.

If this government wanted to really do something about road safety, it would give some teeth to the already existing regulations that are out there under the aegis of the Ministry of Transportation and the Ontario Provincial Police to actually do the job they're mandated to do. We know that since this government has come to power, a lot of the ministries and agencies of government that have responsibility in these areas have been diminished significantly, to the point where they cannot do their job any

more. So we end up with circumstances that present as catastrophic, challenging and dangerous to all of us.

What does this government suggest we should do? What do members of this government suggest we should do by way of answers? Simply turn it over to the private sector, when we know if the private sector actually doesn't do the job—and it hasn't shown us, in almost every instance where we've deregulated industry over the last 10 or 20 years, that it is interested in anything more than making sure that its bottom line stays healthy—this government is not willing to take tough action, not willing to challenge or stand up to them.

Let's just take a look, for example, at the difficulty we have right now for truckers where gasoline and fuel prices are concerned. What have they done? Absolutely nothing. They claim to be in negotiations with the industry around making sure that truckers have enough money after they've delivered their load to make it profitable for them to continue to be in that business. But talk to the truckers. That in fact isn't happening. They're still under stress. They're still finding it very difficult to do what they do and to feel good about the profession they're in. Where five or 10 or 20 years ago they could make a living and feed their families driving a truck, that's becoming increasingly more difficult. Some of them have parked their rigs.

I want to talk about road safety and the safety of rigs and the regulation that guides drivers who drive trucks. The truckers I talked to up in Sault Ste Marie and northern Ontario said there's nothing they'd like more than to have money in their pockets to fix the rigs they drive, but the industry isn't coming up with the dollars they need in order to do that. After they take the money out of what they make for the very difficult work they do to pay for their licences and their fuel tax and to make sure their families are OK, there's very little left for preventive maintenance for the trucks they own, rent, lease or drive on behalf of the industry. If the government really wants to do something about truck safety, what they should do is get serious about the negotiations they're having with the industry around how much money truckers are making to look after themselves and deliver those loads so they can, at the end of the day, take care of their vehicles and make sure they are safe.

The other thing I want to speak of very briefly here this morning is, are some of the regulations there to let truckers know what the safety window is in terms of the length of time they should be driving without taking a break? Again, because of the very strained circumstances they find themselves in, trying to cover the cost of doing the business they do and to make a little profit at the end of the day to feed their families and live the quality life that we in this province take for granted should be there for anybody who's willing to get out there and work hard is very difficult unless they're willing to break the rules and go beyond the hours that are indicated so that they can deliver more product and make a few more dollars in order to cover the cost of doing the business that they do.

To suggest for a second here this morning that we should simply turn over the issue of trucking and road

safety and the training of drivers in this industry is, I think, simplistic at best but in keeping with the agenda of this government which we see rolling out here, which is to privatize the maintenance of highways out there, which any of us who live long distances from Toronto will tell you has not been up to the standard that we've come to expect in our parts of the province, where transportation is such a big issue where our economy is concerned, where people travelling back and forth for health reasons is concerned, where people just visiting each other is concerned. So, if we're holding up the privatization of the maintenance of highways as an example of how the private sector is going to look after that which falls within the rubric of common safety or public safety in this province, I'm afraid it doesn't bode well. It is not a good example and is not very comforting. It doesn't give us much confidence that, if we turn even more of this business of making sure roads are safe over to the private sector, it will happen and we will all be better served.

You've heard mentioned here this morning as well that this government is going to turn over the testing of drivers to the private sector. I suggest that we'll all reap the reward of that little piece of business in the not-too-distant future as again some of these bigger entities come in and take over some of these driving centres that are working quite efficiently right now, that are providing some families in small communities like Sault Ste Marie and Sudbury an opportunity to make a few dollars in an area of business that they've become quite proficient at. Once you turn the driver testing over to those centres, it becomes a lot more lucrative, it becomes more attractive to the bigger corporations out there that are looking around for more and more ways to suck money out of the communities of this province by way of opportunity turned over to them directly by this government.

You'll see that the standards that have been set over a long period of time—which, yes, in some instances provide some difficulty in that no system is perfect. But I suggest to you that we're not going to move closer to a better system in any way in the near future, or the distant future, if we simply take the tack which this government has shown it is wont to take—I guess it's bereft of any other ideas—which is to turn everything over to the private sector, because in this government's view, private is good, public is bad; the private sector can deliver more quickly and more efficiently, the public sector can't—leaving out of that equation the question of public safety, the needs of people and the very difficult and complicated relationship that exists between the various partners within that industry, each one of them trying to make a living, trying to do the right thing and trying to make sure that our roads are safe places to work, do business and recreate.

I suggest that you could take out of that that we on this side, I personally for sure and I speak for my caucus, will not be supporting this resolution this morning because we think it's just more of the same simplistic, privatize-everything approach that this government takes to some

of the challenges that we face as a community of people. We should be spending more time bringing people to the table to come up with more complicated and more effective answers.

1140

Mrs Brenda Elliott (Guelph-Wellington): I'm pretty surprised to hear my colleagues across the way from the NDP indicating they're not going to support this resolution before us this morning. I think this is an excellent resolution and I'm very pleased to stand in support of my colleague Gary Stewart from Peterborough in supporting this.

In the original letter that Gary sent us he said, "The intent of my resolution is to promote public safety on our highways through the establishment of a self-regulatory body that will ensure truck drivers are prepared for highway driving and have the ability to handle large trucks."

My constituents in Guelph-Wellington write me a number of letters about highway safety, and a great number of them have to do with speed. Particularly people who don't drive on the 401 a lot are alarmed sometimes when they get on, if they haven't been on for a while, at how quickly everything is moving. Certainly with the tremendous economy here in Ontario, thanks to the economic climate set by the Harris government and our almost 800,000 jobs now, the highways are really busy. When I commute here to Queen's Park through the week, I have to be on the highway by about 6 o'clock in the morning to have any hope of being here in decent time, and for the most part it's strictly volume.

The one thing I hear from constituents on a fairly regular basis is concern about highway safety from the point of view of truck traffic. With all due respect to the truckers who are on the road, the one thing that constituents in cars worry about is the distance between trucks and their vehicles. People are really concerned, as my colleague Marcel spoke of earlier, when they look in the rear-view mirror and see a big truck coming up behind them. If that truck is fully loaded, they are greatly concerned about the stopping distance. It's not uncommon for me to be zipping along the highway and have a truck right beside me zipping along at the same speed. I can stop a lot faster—and I keep my distance to be very cautious about that—than the truck that's fully loaded beside me.

It is a serious concern. Quite honestly, what it does speak to and make us wonder about, as regular driving citizens and as legislators, is the training that has happened, that has been the experience of that driver behind the wheel of that big rig. So I applaud my colleague here from Peterborough who has brought this forward.

The gentleman across the way in the third party spoke about how somehow this is about privatizing. I'm not sure where he got on that line. What this is really about is encouraging the industry to increase its self-regulatory practices, to have greater responsibility for its industry, and all for the reason of protecting the citizens, the people of Ontario.

Truckers have come to speak to me from time to time about their concerns, and I want to mention one person in particular. Bill MacKinnon of MacKinnon Transport is a remarkable fellow who comes to regularly inform me about issues in his industry. We have spoken about a number of topics. We've spoken most recently about the concern he has about getting qualified drivers. The trucking industry is a big industry in this province. With just-in-time deliveries required by so many industries, trucking is the way things move: this truck parked out in front, and it has a picture of this adorable baby on the front. I think it says something to the effect that "This is the only thing we don't deliver here in Ontario." That's pretty true.

I compliment the trucking business for the wonderful work that they do, but there is an issue in the public's mind about safety and it does speak to, in the end, the caution that drivers of big rigs show and demonstrate on our highways. Anything that we can do here, particularly if the industry can be the leader, I think is to be applauded. The better our drivers are in those big rigs, the safer we feel and indeed are on our highways, the more productive that is for the industry as a whole, and the better off the entire province is.

I think this is a marvellous resolution. I know there's still more work to be done. We've had a number of letters of support from the insurance bureau, from the trucking association and others indicating that they want to be partners in this. My experience here in government has been that when we have all the partners in place and working together who have a common goal and who will directly benefit, we have a much better solution coming at the end of the day than from my colleagues in the NDP or the Liberal Party quite often, who want the government to be the leader and carry the weight for everybody. That's just not the way, in my view, that things work best.

So I compliment Mr Stewart from Peterborough and all of those in the various associations who are working together. If drivers are better trained, it's my view, and certainly I think my constituents will agree, that it will be to the benefit of all the people who use our highways in the province of Ontario. They will be safer places. That's certainly one of the key goals of the Harris government.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I'm delighted to have the opportunity to speak on this resolution presented by the member for Peterborough, a resolution that calls for public safety on our public highways. I know the member for Peterborough has always been in support of public safety on our highways.

I was just talking this morning to Dwayne Moseley, general manager of the Greater Ottawa Trucking Association. Mr Moseley represents not only greater Ottawa; he also represents drivers in Toronto, Sault Ste Marie, Sudbury, Timmins and Cornwall. He tells me that he represents hundreds and hundreds of truckers in Ontario. But he was a little bit disappointed at the fact that he has not received any phone calls and he was not aware that this resolution was going to be debated this morning. He said it happens quite often that the government does not

consult those people who are concerned about public safety on our public highways.

He was telling me that he's 100% in support of this resolution, after I spoke to him at about 10:30 this morning. He tells me that very often this government tends to come up with some pilot project. I told him that this time this was not a pilot project. He also referred to me that in the auditor's report—and I really support his comment on this—too often the government is coming up with some pilot project without going to the sources—when I say the sources, to question or to have discussions with the people involved—and sometimes it's too late.

He was telling me that not only should we be looking at the public safety of the drivers' licences; we should also be looking at the truck inspections. He was telling me there's a shortage of diesel mechanics, and if I'm looking at the major accidents that happen on the 401, quite often it's because of mechanical problems. Also I refer to the member for York South-Weston. He tells me that the maintenance of our public highways should also be looked at.

I want to refer in this instance to Highways 417 and 401 in eastern Ontario coming in from Quebec. They were in such bad shape that the truckers didn't want to take those routes any more because it was causing mechanical problems to their trucks. Very often we tend to blame the driver for accidents that happen. I remember this serious accident that happened near Oshawa where there were two fatalities. I just happened to be talking to the driver two days before that accident happened. He had his truck checked, verified and inspected, by some mechanic in Oshawa. In this instance they didn't find any problems with it, but he was telling me right after the accident that the fact that he has been driving on this very dangerous or badly maintained highway caused some problems.

Yes, we should put some emphasis on proper training for our truckers. Yes, we should have proper inspections on the highways. But I wonder in this case—we are saying that they should be qualified drivers—how do we qualify them? Not only by sending the people to school, but we should have technical training also for the drivers. When I say technical training, we should have on-the-job training also, besides having just school training. We know that we are doing some training in the big-size yard, that the people are backing up, driving up front and everything. But at the present time, I really feel the training and the inspection should be done by government or public employees for the safety of people on our highways.

There is judgment to be used also when it comes time to certify a driver. For instance, this inspector was doing testing of a driver—

The Acting Speaker: The member's time has expired. 1150

Mr John O'Toole (Durham): I think the member for Glengarry-Prescott-Russell was going to say he was supporting this resolution. At least I hope that would have been his concluding remark.

I want to thank the member from Peterborough, who I know to be a person you can count on, summer or winter, whatever kind of weather or conditions. I call him a friend, and some would criticize me for that but I know from where he comes.

I also think the comments made by my good friend from Guelph-Wellington, how she related this to someone in her riding and their interest in driver safety, are something people can get a copy of from the Hansard or the transcript on the Web site. I also think that the member from Lambton-Kent-Middlesex told a very personal story of how important driver or operator training and safety is on our highways.

That is background. We're all here to compliment the member from Peterborough on his resolution, but more importantly, Wayne Campbell, who's in the gallery as mentioned earlier, as well as Brian Adams and Karen Mitchell. Scott Brownell and Colin Matthews are also in the gallery, I believe, and they've worked very hard. In fact, I have a letter here in front of me from the Minister of Transportation, the Honourable Mr David Turnbull, to Wayne Campbell, president of the Truck Training Schools Association of Ontario.

For the record, I want to read what he said: "I would like to express my appreciation for the assistance, expertise, and support from the Truck Training Schools Association of Ontario during the stakeholder consultations for the Target '97 class A road test improvement." Very clearly their expertise has been recognized by the Minister of Transportation. I thank them for their input. That joint task force on Target '97 essentially was about safety on our roads. Being recognized by the minister is not something that should be ignored in this debate this morning.

In the few remaining moments—I should generally have half an hour to get my full points across, but to spare you that I've been limited to two minutes.

Some 90% of all the commercial freight in Canada travels by truck and 80% of all the trade with the United States is carried by truck. You know just how strong our economy is, so that translates into over 100,000 registered trucks in Ontario alone. With trucks from other jurisdictions, it's probably in the order of 150,000 trucks moving in our jurisdiction at any one time. Of course, they share their workplace, the roadways, with the other drivers and civilians in the province and that constitutes a very difficult circumstance for them because our roads are crowded.

Truckers and drivers themselves constitute 4.5% of the workforce; 200,000 people are employed in that industry. It's important to recognize that the census in 1996 showed that occupation was the most frequently cited occupation by males in 1996: truck operator. Also, about 50% of those operators are approaching the age of 50 or are over the age of 50.

when you look at the facts—the intent of this legislation is to enshrine some industry-driven truck driver criteria for safety and safety training—I compliment Mr Stewart and also the association that we're working with

this morning. I encourage members to support it for the right reasons. This isn't a time for politics. We know that private members' business is a time when we're supposed to talk about important opportunities for doing the right thing to protect the safety of people on our roads.

I want to make a couple of comments. I have worked with Bill Wellman from the National Truckers Association, as well as Bill Ives, who I believe is in some managerial position for the NTA, and also Dave Bradley from the OTA. I can tell you that Wayne Campbell has had letters of support from the Ontario Trucking Association as well as support from the Private Motor Truck Council of Canada. There's also been support from the Ontario Safety League to Mr Campbell. It's clearly on the record that this is the right thing to do—

The Acting Speaker: The member's time has expired. The mover of the motion has two minutes to reply.

Mr Stewart: I want to thank the members for Guelph-Wellington, Lambton-Kent-Middlesex and Durham for speaking on this resolution and supporting me on it.

I want to clarify a couple of comments that were made by the member for Sault Ste Marie. Unfortunately, sometimes the NDP does get things wrong. He may not know it, but most of the schools and those who are holding themselves out as training operations are in the private sector now. This is not about changing testing. What it is about is making sure we have qualified drivers who know the theory, who know the operations and who know how to drive, and that they are prepared when they go to be tested to get their licences.

It's interesting that he also made the comment about the cost savings. Is cost savings about safety? I'm sorry, in my world it is not. I suggest that for him to possibly suggest all his caucus is not going to support this bill is interpreted by me that the NDP in this House does not support road safety, does not support qualified drivers. I would highly suggest that in future, if they speak to some of these bills, they know what the bills are all about before they make too many comments about them.

This type of resolution is demanded and is needed and is wanted by the industry. I also believe the industry should be able to manage their industry because they know how it should be done.

The Acting Speaker: The time for private members' business has ended.

ACCOUNTING PRACTICES

The Acting Speaker (Mr Bert Johnson): We'll deal first with private member's ballot item number 51 standing in the name of Mr Curling.

Mr Curling has moved private member's resolution number 31.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell. It will be deferred until we deal with the next private member's resolution.

TRUCKING INDUSTRY

The Acting Speaker (Mr Bert Johnson): We will now deal with private member's ballot item number 52 standing in the name of Mr Stewart.

Mr Stewart has moved private member's resolution number 29.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

I declare the resolution carried.

Call in the members. This will be a five-minute bell.

The division bells rang from 1158 to 1203.

ACCOUNTING PRACTICES

The Acting Speaker (Mr Bert Johnson): Mr Curling has moved private member's resolution number 31, ballot item number 51.

All those in favour will please rise.

Ayes

Cleary, John C.	Curling, Alvin	Kormos, Peter
Colle, Mike	Gerretsen, John	Martin, Tony
Cordiano, Joseph	Kennedy, Gerard	Ruprecht, Tony

The Acting Speaker: All those opposed will please rise.

Nays

Arnott, Ted	Hastings, John	Peters, Steve
Baird, John R.	Hudak, Tim	Runciman, Robert W.
Barrett, Toby	Johns, Helen	Sampson, Rob
Beaubien, Marcel	Klees, Frank	Smitherman, George
Bryant, Michael	Marland, Margaret	Snobelen, John
Chudleigh, Ted	Martiniuk, Gerry	Spina, Joseph
Clement, Tony	Maves, Bart	Sterling, Norman W.
DeFaria, Carl	Mazzilli, Frank	Stewart, R. Gary
Dunlop, Garfield	Molinari, Tina R.	Stockwell, Chris
Ecker, Janet	Munro, Julia	Tascona, Joseph N.
Elliott, Brenda	Murdoch, Bill	Tilson, David
Flaherty, Jim	Mushinski, Marilyn	Tsubouchi, David H.
Galt, Doug	Newman, Dan	Turnbull, David
Gilchrist, Steve	O'Toole, John	Wood, Bob
Gill, Raminder	Ouellette, Jerry J.	Young, David
Hardeman, Ernie		

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 9; the nays are 46.

The Acting Speaker: I just wanted to apologize to the staff on your behalf for keeping them late for their lunch.

I declare the resolution lost.

The business of this House ended for this morning, it stands adjourned until 1:30 o'clock.

The House recessed from 1209 to 1330.

MEMBERS' STATEMENTS

TENANT PROTECTION

Mr Michael Bryant (St Paul's): This government's tenant destruction act is driving seniors and disabled people and everyone on fixed incomes into conditions of near poverty. Many tenants in my riding tell me that they sometimes have to choose between food versus rent. Many others say that these rent increases are nothing less than criminal. It's time for this government to recognize that there is no level playing field for tenants when there is a vacancy rate of less than 1% in Toronto and an average rent increase of 9% in Toronto. The Harris government's tenant destruction act actually creates incentives for landlords to foster intolerable conditions for tenants, since once a tenant vacates the landlord can hike the rent by 100% if he chooses.

The tenants at 20 Shallmar Boulevard and many other buildings in my riding are quite literally under siege. At 20 Shallmar they were warned of a 14% rent increase by their landlord. Some tenants bolted, only to find no affordable housing elsewhere. Others were left to fight that punitive increase at their own expense before the Ontario Rental Housing Tribunal, which actually ordered the tenants and their lawyer to pay the legal costs of the landlord. This decision is still before the courts, but the resulting nightmare for these people and so many other tenants in my riding is all thanks to a provincial government bent on punishing renters. Tenants must unite in their fight against the Harris housing disaster. The people of St Paul's can rest assured that their elected tenant triumvirate—Bryant, Walker and Mihevic—will not rest in our respective legislative chambers until we restore real, unqualified rent control with no ifs, ands or buts, until the Ontario Liberals legislate back the just tenant protections that mark a decent civil society that levels the playing field for the tenants of St Paul's and across Ontario.

ALISON CLARK

Mrs Julia Munro (York North): Today I rise to recognize a constituent in my riding of York North, Alison Clark. Alison Clark and her colleagues were the winners of a Gemini Award for the best sound in a documentary for their work on *Legacy of Terror: The Bombing of Air India*, which aired on CBC's *The Nature of Things* series. It was Clark's second Gemini, having won in 1993 for her work on *The Millennium* documentary series.

Legacy of Terror documents the fatal crash on June 23, 1985, that killed 329 people. It takes a personal look at some of the families who lost loved ones on that flight. Clark said, "It's a very special film because it gives testimony to those children on the fatal flight."

Clark was the sound supervisor for the documentary, which presented unique challenges. Very stylized and

containing more than just interviews, it had a lot of footage where sound had to be cleaned up or recreated to make it more realistic.

Clark has been in the film business for 20 years and has been doing sound for 16. She studied filmmaking for three years at Fanshawe College in London and is president of her own company, One Dark Knight Sound Design, based in Toronto. The small sound editing company works mainly on documentaries, TV, movies and feature films, but it is documentaries Clark finds most satisfying.

Congratulations to Newmarket resident Alison Clark.

ASSISTANCE TO FARMERS

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I rise to once again call the government's attention to the crisis facing agriculture. Obviously, over the last few months, the government hasn't been listening to the pleas from both opposition members and the farmers themselves. There is a crisis in agriculture whether this government wants to admit it or not.

Farmers are suffering from oilseed prices that are at a historic low. They are also dealing with the fallout of an unseasonably cold and wet spring. The crops produced are of poor quality and farmers cannot afford that. Just when farmers thought it couldn't get any worse, they are being confronted with astronomical fuel prices.

High fuel prices, poor crops and low prices will take their toll on farmers if this government doesn't step forward and do something now—not next week, not next month, but now. The fact is that if action isn't taken, many Ontario farmers will not be able to survive. They may lose their business and their livelihood. I for one am not willing to see that happen.

Agriculture is an incredibly important part of Ontario's economy, the second-largest employer. It produces some \$25-billion-plus in revenue. How can the government sit back and watch as some of these farmers who contribute so much to our society have to struggle to maintain their livelihood? It's amazing that the government can spend \$190 million on government advertising but can't try to help farmers out in a crisis.

NORTH YORK CHAMBER OF COMMERCE BUSINESS EXCELLENCE AWARDS

Mr David Young (Willowdale): I would like to extend my most sincere congratulations to all the winners of the North York Chamber of Commerce 2000 Business Excellence Awards. Each individual and group honoured by the North York Chamber of Commerce has demonstrated the kind of leadership and innovation needed to be the best—by achieving excellence in entrepreneurship, creativity and quality.

They have also demonstrated a continued commitment to our community by creating jobs and enhancing the community's high quality of life.

The award-winning entrepreneurs, associations and companies were as follows: the Canadian Memorial Chiropractic College; the Moving Store; YMCA of greater Toronto; North Employment and Community Services; John Wetmore, CEO of IBM Canada; Sobie's Barbecues and Accessories; Julia Henderson and Kevin Smith from the Helicopter Company; and Michelle Hutchinson from Hutchinson Communications.

It is because of entrepreneurs like these that Ontario has enjoyed the success it has over the last 5 years.

Former American President Ronald Reagan said of entrepreneurs: "We in government should learn to look at our country through the eyes of the entrepreneur, seeing possibilities where others see only problems."

Much like an entrepreneur, our government has seen the possibilities that Ontario has. As a result, we cut taxes, we introduced work for welfare and reduced the size of government so that our best and brightest, many of whom were at the awards ceremony with me, would be free to do what they do best: innovate and create. Those award winners did just that. On behalf of my colleagues on this side of the floor, I wish to congratulate each and every one of them.

ARTS AND CULTURAL FUNDING

Ms Caroline Di Cocco (Sarnia-Lambton): The cultural sector in this province is dejected and discouraged by the ongoing cuts to the arts community. The Harris Tories and the Minister of Culture, Helen Johns, do not value culture, but worse, they do not understand and are ignorant of the significance of the cultural sector in this province.

A strong case has been made over and over to the Harris Tories of the huge economic benefits of culture, but more important is the intangible societal benefit that arts, music, theatre, heritage, literature and film have on our communities. None of these arguments has moved this neo-conservative-driven government to restore hope and assist to rebuild the cultural sector of Ontario.

Donna Scott, the executive director of the Ontario Arts Council, has resigned. Under her professional and caring leadership, Ms Scott dramatically reduced the negative impact of the deep cuts to the Ontario Arts Council's programs. That was not enough to stop the bleeding and her resignation sends a signal to the Harris government that enough is enough.

The Ministry of the Environment has had similar deep cuts and we know the consequences.

Minister Johns should be seen as the protector and champion of the cultural community. Instead, she is the dismantler. The arts and cultural heritage is endangered by the policies of this government. When will Ontario's economic boom translate into the well-being of the cultural sector?

I will leave you with this thought: we need to properly manage our money in order to live, but we need culture and the arts to give us a reason to live.

The Speaker (Hon Gary Carr): Members' statements?

Mr Rosario Marchese (Trinity-Spadina): This statement is dedicated to Helen Johns, the minister:
Sung to the tune of Yesterday.

Minister,
Your approach to arts is sinister;
The arts council you administer
Is hurting artists, Minister.

Donna Scott
resigned because she says you're not
providing funding that is near enough;
In fact she's blaming your deep cuts.

Why she had to go
I don't know; it's a sad day
You did something wrong
And you've chased the best away-ay-ay-ay,

Minister,
You've soured to the arts like vinegar;
A 40% cut is sinister;
Why did you do this, Minister?

How low can you go?
I don't know, but it's a shame;
Eight hundred groups, they know the truth:
that you're to bla-a-a-ame,

Minister,
Should they take it on the chin-ister?
Will our artists sink or swim-ister?
It's your decision, Minister.

The Speaker: I don't know if there are any rules about members singing or not, but there should be one that if you do sing, you should at least have to have a good voice to do it.

1340

CALEDON EAST HISTORICAL SOCIETY

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'm pleased to stand in the House today to extend congratulations to a group of dedicated constituents from Caledon East. Two years ago, the executive of the Caledon East Historical Society ventured to offer a book that would celebrate and preserve the history of this community. The book, entitled *Settling the Hills: Historical Reflections on Caledon East and District*, is a remarkable example of how an idea can become a reality with the application of hard work and passion for what you are doing.

The 14 contributing authors take readers on a journey back in time to the formation of the land itself, the native population, and the original settlers whose struggles and victories are reflected upon. The vintage photographs

included throughout the book help to illustrate the journey and add to the richness of this historical recollection of a community that still thrives today.

Interjections.

The Speaker (Hon Gary Carr): Order. We've had our little fun, but the member has 20 seconds left. Sorry to the member.

Mr Tilson: With financial assistance from the Trillium Foundation and the tireless efforts of those involved in the project, what was originally planned to be a 150-page book almost grew twice in size. The original estimate of 1,000 published copies has also expanded twofold. I stand in this House today to extend my congratulations and express my appreciation of this work, which will no doubt allow the history of this community to be preserved for generations to come.

CHILD POVERTY

Mr Michael Gravelle (Thunder Bay-Superior North): It's truly disheartening that the Mike Harris government continues to ignore the tragedy of increased poverty in Ontario, particularly among children.

Two recently released reports have once again shown the stark reality of how this government's brutal policies have sent more people deeper and deeper into despair. Yesterday the Ontario Federation of Indian Friendship Centres released a report on urban aboriginal poverty which showed that over 52% of aboriginal children in cities, including my hometown of Thunder Bay, are living in poverty. Earlier today the Ontario Social Safety Network released a chilling report called *Five Years Later* which clearly pointed out that cuts in social assistance, coupled with increased costs for food and shelter, have had a devastating impact on the lives of our poorest citizens.

The questions that Dalton McGuinty and the Ontario Liberals have for this government are: how many more studies and reports will it take for you to realize that your punitive policies are hurting families, and why will you not, at a minimum, attach a cost-of-living adjustment to social assistance benefits?

At a media conference earlier today, we heard from a young woman named Berthe Thomas, a single mother from Peterborough who told us in heart-rending fashion how difficult her life has been for these past five years. On her behalf, I want to send copies of today's report to Premier Harris and to social services minister Baird and ask that they respond with compassion. As we approach the Christmas season, I want to ask you, Premier, to open up your heart and respond to this cry. It's the least you can do.

CANCER TREATMENT

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I rise today to speak to my upcoming resolution about prostate and breast cancer. Breast and prostate cancer claim too many lives.

I'm pleased that the Minister of Health has just made an additional \$34.8 million available to help patients fight their cancer. New drugs, more cancer professionals and improved screening detection programs are just a few of the benefits cancer patients will see. Better early detection and increased awareness of prostate and breast cancer will help save lives.

Currently, PSA testing for prostate cancer is not covered for asymptomatic men. I'm asking that the ministry review this situation to determine whether PSA testing for asymptomatic men would increase early detection of prostate cancer and help save more lives. Many men aren't even aware of the dangers posed by prostate cancer and die because it wasn't detected soon enough. My resolution asks the ministry to consider initiating and funding a comprehensive prostate cancer awareness program to encourage men to be checked.

Breast cancer affects one in nine women, and early detection is essential. The Minister of Health also announced that the Ontario breast screening program will be expanded to test five times more women than today. However, more research money is needed. That's why I'm asking Canada Post to issue a commemorative stamp to provide additional research funds to fight breast cancer. This works in the United States, and I believe it will work here.

It's imperative that we raise awareness and increase resources to fight prostate and breast cancer to help save more lives.

INTRODUCTION OF BILLS

BALANCED BUDGETS FOR BRIGHTER FUTURES ACT, 2000

LOI DE 2000 SUR DES BUDGETS ÉQUILIBRÉS POUR UN AVENIR MEILLEUR

Mr Eves moved first reading of the following bill:

Bill 152, An Act to implement the 2000 Budget to establish a made-in-Ontario tax system and to amend various Acts / Projet de loi 152, Loi visant à mettre en oeuvre le budget de 2000 en vue de créer un régime fiscal propre à l'Ontario et à modifier diverses lois.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): We firmly believe that all provinces should have the ability to develop taxation policies that meet the specific needs of their economies and their taxpayers. A made-for-Ontario personal income tax system will allow us the flexibility we require to meet the needs of Ontarians.

In addition to a new system of tax administration, this bill would also give effect to several taxation policies

announced in this year's budget. The short title of the bill is Balanced Budgets for Brighter Futures, and that is what Ontarians can expect.

ARCHIVES AWARENESS WEEK ACT, 2000

LOI DE 2000 SUR LA SEMAINE DE SENSIBILISATION AUX ARCHIVES

Mr Johnson moved first reading of the following bill:

Bill 153, An Act to proclaim Archives Awareness Week / Projet de loi 153, Loi proclamant la Semaine de sensibilisation aux archives.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Bert Johnson (Perth-Middlesex): Ontario has a rich and colourful history, most of which is recorded, and archives play an essential role in the preservation and use of history, including perhaps Hansard and the staff who will have to be drawn in for those musical notes that we heard earlier in the day.

This is to recognize the hard work and dedication of the entrepreneurs who work in the industry of archives.

IDLEWYLD MANOR ACT, 2000

Mr Christopherson moved first reading of the following bill:

Bill Pr33, An Act respecting Idlewyld Manor.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

MENTAL HEALTH SERVICES

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): December 1 is a historic day. I am very pleased to rise in the House today to bring your attention to the proclamation of Bill 68, Brian's Law, which amends the Mental Health Act and the Health Care Consent Act. I believe that Bill 68 is one of our government's most significant legislative initiatives, because it will ensure that people with serious mental illness who pose a threat to themselves or others receive the treatment and care they need and deserve.

The bill is dedicated to the memory of Brian Smith, an Ottawa sportscaster killed by a person suffering from serious mental illness. I would like to take a moment to acknowledge Ms Alana Kainz, Brian Smith's widow and a strong advocate for the much-needed changes to the Mental Health Act. She is here with us today. I would also like to thank Lori and Tony Antidormi. It is because of the ongoing support and dedication that we have received from Alana and Lori and Tony that we have been able to move forward with the development of this

bill. They have been a tremendous inspiration to all of us. I would also like to thank again Mr Richard Patten for his hard work in helping to bring about effective community-based mental health treatment.

1350

The proclamation of Brian's Law, 2000, is the result of years of extensive research and consultation with stakeholders. Our government listened to the concerns voiced by families, consumers, inquest juries, health care providers and police, and this legislation is our response, a response that will best serve all Ontarians.

This legislation is a significant part of our government's commitment to create a comprehensive, balanced and effective system of mental health services that provides a continuum of community-based, outpatient and inpatient care.

The amendments to Ontario's mental health legislation were developed in consultation with key service providers such as physicians, hospitals, community services, justices of the peace, police and rights advisers. They will continue to play an essential role in the implementation of these amendments.

As the House knows, the jury for the inquest into Brian Smith's death recommended that the Ontario mental health reform initiative should incorporate a community-based treatment program with third-party review and appeal mechanisms. It also called for a comprehensive review of the Mental Health Act and clauses in related legislation regarding mental health. This is what we have done.

Brian's Law introduces community treatment orders, CTOs, which will provide a comprehensive plan of community-based treatment or care and supervision that is less restrictive than being detained in a psychiatric health facility. It also provides rights protections for mentally ill individuals, especially at the community level, and includes the addition of new grounds to the civil commitment criteria. The amendments also improve access to treatment by streamlining the hearing and appeal rules in the Health Care Consent Act.

I want to take this opportunity to thank the many, many hundreds of people who have worked so hard to bring about these much-needed changes. Again, I thank Alana Kainz and the Antidormi family. I also want to thank my former parliamentary assistant, Dan Newman, and my current parliamentary assistant, Brad Clark, for their unflagging commitment to this important legislation. I also want to thank the very hard-working staff of the Ministry of Health and Long-Term Care, who have diligently done everything possible to bring this legislation forward in response to the needs of people in this province.

Our government's Blueprint and the most recent speech from the throne promised that we would change the law to ensure that people who pose a danger to themselves or others will get the care they need, both for their own well-being and to ensure public safety, and I'm pleased to say that we've done that. These amendments provide a balance between the rights of the individual and the safety of the community.

I'm also pleased to say that since 1995 our government has invested nearly \$350 million in mental health care programs, infrastructure and community-based services to support our reform strategy. These reforms will enable us to move forward and provide a full continuum of institutional and community-based services for people with mental illness.

Our government has taken responsible action and has demonstrated a commitment to implement legislative changes that will enhance the quality and delivery of mental health services. We have worked closely with our stakeholders, who represent health care providers, community agencies, hospitals, consumers, and community organizations. We've developed a comprehensive implementation plan, and the ministry will continue to work with stakeholders to ensure that the new legislation and regulations are implemented smoothly.

Our government is strongly committed to restructuring the mental health system to achieve an accessible, accountable and effective system of treatment, care and support with an appropriate mix of institution-based and community-based services. The proclamation of Brian's Law will help us meet that commitment. Most important of all, it will help save lives and it will help prevent tragedies in the future.

In closing, I want to thank the members of this House from all parties for their support of this very important bill.

Mrs Lyn McLeod (Thunder Bay-Atikokan): The members of our caucus supported Brian's Law. We did so because we supported the intent which the minister has described, which was to ensure that the law could be changed, ensuring that people who pose a danger to themselves or others will get the care they need both for their own well-being and to ensure public safety. We supported it in respect of the families of schizophrenics, we supported it in respect of the work our own colleague Richard Patten had done and we supported it in respect of six inquest reports into deaths.

Our support was conditional on a continued effort to ensure that real support services for those with mental illness would be put in place. This bill does two things that the minister has noted: it allows more ready admission to hospital without there being evidence of imminent harm to self or others, and it also makes discharge contingent upon agreement to abide by community treatment orders. We had concerns about the implementation of both aspects of that law.

We heard testimony during the hearings about the inability now to provide admission to patients who needed hospitalization because there are simply not enough beds. We had emergency room physicians coming to talk to us about the pressures that would be placed on our already overburdened emergency rooms because of the numbers of people who would be brought in seeking admission, and the acute care hospitals would not have beds for even temporary admission.

Earlier this week, I brought into this Legislature a case of Scott McLennan, a 35-year-old man suffering from

schizophrenia for the last 16 years who had become violent while in the throes of delusion. Scott's history, since this bill was passed, has been one of being repeatedly put into jail because there has been no place for him in the mental health system. He was at one point in a psychiatric hospital. They sent him back to jail because they could not cope with him because of his tendency to violence when he was delusional. The mental health system is continuing to fail Scott McLennan. The mental health system is continuing to fail others like Scott McLennan. I said to the minister earlier this week that Scott McLennan was one example.

I had another case almost exactly like it in my own constituency office the previous week. I had three other cases of people who were potentially going to become violent and who could not get community support to deal with their mental illness. My colleague from St Catharines told me about a tragedy involving someone with mental illness in his community just recently. And yet the government, regardless of the evidence that there are now not enough beds, is proceeding with its closure of six of our nine psychiatric hospitals, with a loss to come of more than 1,000 mental health beds. The minister has given a personal commitment that no mental health bed will be lost, will be closed, until the community supports are in place, and yet in the estimates we see that \$50 million is already slated to go into the divestment of our psychiatric hospitals.

The problem is, there are no benchmarks to know when adequate community supports are in place. This government is going to go ahead and shut down the beds, when all the evidence is that there aren't adequate community supports in place.

The proclamation of this bill has been held off until this week in order to put those community supports in place. All that has happened is an initial move to establish what are called ACT teams. The people administering those say that's a third of what is needed to provide an adequate emergency crisis response at a community level. It is a step in the right direction but it is not nearly enough.

The housing announcement from last week is a two-year-old announcement. The second stage of housing support for those with psychiatric illness was supposed to be in place this year. It is only now being reannounced as something to be completed next year. In my community, the beds we will receive under that announcement are a fraction of what's needed just to provide housing for those who are to be discharged from the psychiatric hospital, which is supposed to be one of the first to close. It doesn't begin to provide housing for the 20 to 30 people with psychiatric illness whose only place to go right now is into our emergency shelter, and who will be filling that shelter again this winter.

1400

The minister knows the dollars are not adequate to provide real comprehensive community support. She knows we need more housing. She knows we need outpatient clinics. She knows there's a two-and-a-half-year

wait in Ottawa to get into a community out-patient program. She knows that we need rehabilitation programs.

The concern of schizophrenic patients was that all this bill would mean was that they would be forced into taking drugs. They were assured by the minister, by the parliamentary assistant, by all of us who supported this bill that this would not simply mean forced drug treatment. I don't believe that Alana Kainz or the Antidormis or Richard Patten or the Ontario Friends of Schizophrenics or any of us can rest until there is truly a comprehensive program for the mentally ill in place.

Ms Frances Lankin (Beaches-East York): On behalf of my caucus, I want to also acknowledge the presence here today of Alana Kainz and of Lori and Tony Antidormi, and to thank them for their unflagging commitment to seeing legislation brought to this province that has the intent of averting tragedies like the family tragedies they have experienced. I know that it must continue to be a painful experience, and your courage is to be commended. We're appreciative of you being here today.

I want to ask of you to continue your unflagging commitment to ensure that this law has meaning in effect in our province. Words on a piece of paper, words passed we know to be a first step, but unless there are the means to implement the intent of that legislation, many people for whom this bill and this law held out great hope will find themselves thoroughly disappointed. You will remember at the time I commented on the goodwill of particularly the work of the parliamentary assistant in trying to find ways to amend the bill to meet some of the major concerns that were out there. I repeat that today.

I also commented on a couple of areas of amendments that I thought were critical to ensure that this bill would have a meaningful life in our community. The failure of the passage of those amendments was problematic and I think that's borne out by where we're at today—for example, the provision to establish an office of mental health advocate, one who does systemic review, not patient advocacy but systemic review, who identifies where services are in place, where they are not, what the gaps are and what effect that's having on the lives of individuals and their families as they struggle to seek services and help fund the mental health system.

I also had proposed a basket of services to be listed within the legislation similar to what we've done in long-term-care legislation to ensure that in every community there's a minimum list of services that are available for people. If community treatment orders are to be effective and are to provide people with an option, an alternative to the revolving-door cycle of admissions, involuntary or voluntary, to psychiatric hospitals, those services must be in place. There's been acknowledgement that they're not.

I have to say that I know the parliamentary assistant, and I think the minister, have assured this House that there will be further announcements, that those investments are coming. They're slow to come. Here we are today, proclaiming the legislation. I am sure that members of the committee believe the government would

have made by this time announcements of major new investments to actually give life to the intent they spoke to, during the committee hearings and during second and third reading, of ensuring that supports were there for community treatment orders to be effective.

I think the crisis we see in our hospitals at this time, with the shortage of mental health beds, with a shortage of services in the community, is having a real effect on people's lives. We know that, but this bill held out promise. I think some of the saddest cases I have dealt with through my constituency office, and as health critic, in the last few months are people who are aware of the passage of the legislation, people who are involved, for example, in local chapters of Friends of Schizophrenics who believe that this would make a difference for them and their families and who have found a continued closed door as they have tried to access help. Even trying to access support of the community ACT teams has not been an easy process, and those supports have not been forthcoming because the resources just aren't there.

Minister, in response to your comments today, in response once again to your stated belief that this is a signature piece for your government, an important piece of legislation that will strike the right balance to offer services and give protections to those people in need and services and supports to their family and loved ones, I say to you, unless you take steps to ensure the necessary services are available, both in our hospitals through the mental health beds that are required and, even more importantly, in our communities across this province, this legislation will have no effect. The legacy that I know the Antidormis and Ms Kainz want to see brought forward by this legislation, that the minister, the parliamentary assistant and I'm sure the government are committed to in intent, will not be there. It will not be a living legacy unless we put our minds to making those services available.

Minister, the clock is ticking. You bring a proclamation today. It hasn't made a difference yet in communities. I hope that when we resume in the spring sitting of this Legislature, in the course of the intersession you will have made the announcements and the investments necessary to make a real difference in people's lives.

Hon Mrs Witmer: On a point of order, Mr Speaker: I've just been informed that not only is Alana Kainz here today, but Lori and Tony Antidormi are also in the gallery. We appreciate their support.

Mrs McLeod: On a point of order, Mr Speaker: I rise on a point of order because I'm certainly aware of the ruling that props are not allowed during question period or any time during the House proceedings. I did want to advise you, Mr Speaker, and the Minister of Health that the orange cards that are appearing in the House are the beginnings of a postcard campaign against the privatization of air ambulances. I'd be happy to have them distributed to government members, if they so wish.

The Speaker (Hon Gary Carr): I thank the member. I did see them, but I couldn't read them to see what they were actually, if they were a prop. But I thank the mem-

ber. I'm sure all members to whose attention it has been brought will now make sure we don't see too much of them. They can be handed out, but hopefully we won't see them waved around too much.

ORAL QUESTIONS

NURSING STAFF

Mr Dalton McGuinty (Leader of the Opposition): My first question today is for the Minister of Health.

Minister, understanding now that in March 1999 you recognized that you and your government had made a terrible mistake by firing thousands of nurses at a cost of \$400 million to taxpayers for severances, you made a specific commitment, through the Premier, that you would hire 12,000 new nurses by the end of this year. You've broken that promise. You would think, given the fact that we are plunged into a desperate shortage of nurses in Ontario, that at a minimum you would have stopped firing nurses. You would think that, Minister.

But the Ontario Nurses' Association and the Registered Practical Nurses Association of Ontario tell us differently. They tell us that since March 1999, when you promised you were going to hire 12,000 new nurses, you have fired hundreds more nurses. In fact, in the past six months alone, 116 layoff notices have been issued at nine hospitals in southern Ontario. How is it, Minister, at a time when we are so short of nurses, you continue to preside over the firing of nurses?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): The Leader of the Opposition obviously doesn't understand that government provides the funding to the transfer payments to our transfer partners, and it's up to the transfer partners.

However, having said that, the Leader of the Opposition should also know that we were the government that actually responded to the concerns of nurses in this province. In fact, the nursing task force that we set up has actually been highly regarded, and attempts have been made to duplicate it in the rest of Canada. In fact, Allan Rock so much liked our designation of a chief nursing officer that he put in place his own chief nursing officer for Canada. He respected the fact that we were willing to create a separate division within the Ministry of Health that would support nurses in this province.

1410

Mr McGuinty: Of course nurses were very concerned. They were concerned that you continued to fire them at a time when everybody knew we were going to be facing a terrible shortage.

Let me be very specific with respect to Hamilton-Wentworth. Last week, as I mentioned earlier this week, four hospitals were full. There was no more room for sick people there, no matter how serious their injuries might be. Nurses there are run off their feet. They are suffering from mental and physical exhaustion. If there is one thing

that Hamilton needs, it's more nurses, but nurses there are telling us that in June of this year 34 more received their layoff notices.

I will give you the same opportunity to answer the question I asked the first time, which you didn't answer. Why is it, at a time when we need nurses, when we are experiencing a terrible shortage of nurses, that we are continuing to fire nurses in Ontario?

Hon Mrs Witmer: It would be a little more accurate if the member would also speak to the fact that there are hirings taking place throughout this province in many hospitals. I would hasten to add that it is the JPNC, which is being chaired by the president of ONA, which is taking a look at the monitoring of the new nursing positions. As I indicated yesterday, the initial preliminary estimates indicate that approximately 6,000 additional nurses have been added to the profession as of the end of the last calendar year. Those numbers are now being finalized. ONA knows that because, as I said, they share the vice-presidency, the co-chair of that particular position. I'm very confident that we will continue to see more hiring of nurses in our province. In fact, today I announced that—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Final supplementary.

Mr McGuinty: Ontarians are now on to you. They understand that the reason we suffer from a terrible shortage of nurses is because of the actions on the part of your government. You told nurses at one point in time that you didn't need them any more. You fired them by the thousands. That cost Ontario taxpayers \$400 million in severance costs. Your Premier compared them to Hula Hoop workers: it was time for them to move on; the industry had changed and it was time to evolve and do something else.

Back in March 1999 you told us you were going to hire 12,000 more. You've broken that promise. That is plain and clear for all Ontarians to see.

The real issue that I want you to focus on today is, why is it, when we face such a terrible shortage of nurses, when we should be hiring nurses, we are continuing to this very day in Ontario to fire nurses?

Hon Mrs Witmer: It would be better if the Leader of the Opposition were a little more accurate in his representations. Earlier this week, he tried to represent the fact that a government paper indicated we weren't going to be hiring nurses for three more years. He knows that was not right. He knows that was not accurate. He continues to stand in this House every day fearmongering, knowing full well that this government has placed a priority on nurses, that this government values nurses, that this government—

Interjections.

The Speaker: Order. Minister of Health take her seat, please. We need a little bit more quiet. Minister of Health. Sorry.

Hon Mrs Witmer: He knows that this government has flowed the money in excess of \$375 million in order that the money is there to hire an additional 12,000 nurses. He knows we've made money available for edu-

cation. In fact, this morning Doris Grinspun indicated that this government has made a strong commitment to educating and training nurses.

The Speaker: The time is up. New question. Leader of the official opposition.

Mr McGuinty: The second question is for the Minister of Colleges and Universities, but I want to tell the Minister of Health that if anybody is scaring the people of Ontario—

Interjections.

The Speaker: Order. The member for London-Fanshawe, come to order.

Interjections.

The Speaker: Order. OK, folks. Last warning to the members for London-Fanshawe and for Windsor West. If you want to keep it up you can go outside for the day. Last warning to both of you. When I'm standing up we're not going have you yelling back and forth.

Interjections.

The Speaker: That's it. The member for Windsor West is named; she's out for the day. I ask the member Sandra Pupatello to leave.

Mrs Pupatello was escorted from the chamber.

The Speaker: Leader of the official opposition.

Mr McGuinty: Speaker, if I may on a point of order: I'm looking for some clarification from you on this matter. When I stood up to put my second question, it is my understanding that as a member of this Legislature, after I've directed the question to a certain minister, how I use my time in that regard, whether I might address my comments to someone else, is something of my own choosing. Am I incorrect in that regard?

The Speaker: Yes, you are. You can ask the next question but it needs to be to that minister. You have three allotments on that question. You can go to the same minister if you want, but what you can't do is start and have two questions in one, which in effect that would allow you to do.

I do allow some leeway on this if they're short, but occasionally they start off and they do get a little long. But those are the rules.

NURSING PROGRAMS

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Training, Colleges and Universities. I am sure that you are aware, as are all Ontarians now, of the Premier's broken promise when it came to hiring 12,000 nurses by the end of this year. You are also aware that you have played a part in this broken promise.

For the past two days the Minister of Health has tried to deflect blame by saying that she just can't find any nurses anywhere.

Minister, can you tell me why at a time when we need thousands of new nurses in the province of Ontario you have continued to turn down requests from many of our colleges and universities for funds to expand their nursing school programs?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): In the last six months, in order to get a plan in place for the future, talking about beginning in the year 2003-04, we are working with our colleges and universities on a collaborative nursing program. I would add that the promise you're talking about with regard to 12,000 nurses—you actually don't understand the issue. That was an issue about putting nurses into our hospitals, our long-term care, into government positions, and it had a lot to do with beginning at the time of the campaign in 1999. I will add that many of them are there—

The Speaker (Hon Gary Carr): The minister's time is up. Supplementary.

Mr McGuinty: I can tell you that I understand the issue, Ontario's nurses understand the issue and the Ontario public understands the issue. The Premier made a specific promise and he's broken that promise. It's not a complex issue.

Minister, the fact is that when the University of Toronto asked you for SuperBuild money to expand their nursing program, you said no. When McMaster asked for money to expand their nursing program, you said no. When Conestoga College asked for money to create a nursing program, you said no.

This year, Fanshawe College and the University of Western Ontario had a combined first-year enrolment of 255 nursing students. Next year, we now learn that you're only going to fund 200 nursing students. That's a 22% cut.

Why is it that at a time when everybody in the province except this government recognizes we suffer from a terrible shortage of nurses, you're not allowing our colleges and universities to expand their programs so we can have more nurses graduate in Ontario?

Hon Mrs Cunningham: In response to the Leader of the Opposition—

Interjections.

Hon Mrs Cunningham: If the members opposite can just listen so they can get it straight, the supporting nurses promise was about hiring long-term-care nurses, hospital nurses, retaining nurses and in fact attracting back nurses who may have left. That was \$375 million that was given to our institutions. The question that you're asking now is about the future, and do we have a plan?

1420

Interjections.

Hon Mrs Cunningham: Mr Speaker, if I can address my remarks to you because it's very difficult to be laughed at when in fact they are wrong and they are misleading the public—

The Speaker: I'm afraid, Minister, you need to withdraw that, please.

Hon Mrs Cunningham: I am so sorry but I do feel strongly. The information is confusing for the public and what's happening here is that the Liberals are trying to confuse a plan that we went into with \$375 million—

The Speaker: The minister's time is up.

Mr McGuinty: Maybe at some point in time we missed something over here, but I never knew that conferring the ministerial responsibility for colleges and universities lent with it the right to lecture, even inside this very House.

The minister's involvement in the Premier's broken promise gets even more interesting. Last Friday afternoon at a briefing arranged by the London and Middlesex CCAC, this minister said that one of the biggest problems we face in the province of Ontario when it comes to having new nurses graduate is that our high school grads won't be sufficiently prepared because they're not getting a good enough education in our high schools to enrol in the new nursing program. This minister is saying that Liz Witmer can't do her job because Janet Ecker isn't doing hers. That's what this minister is saying.

Minister, given the crisis in our hospitals, given our desperate need for nurses, how could you allow the problems at our nursing schools to become such a terrible mess?

Hon Mrs Cunningham: This is about the promise. The minister has spent the money; it's up to the institutions to hire nurses.

This is about the report of the implementation committee. The Minister of Education is requiring, as is the College of Nurses, that the registered nurses have six OACs—

Interjections.

Hon Mrs Cunningham: Mr Speaker, you know what? This is so insulting. Forget it.

The Speaker: Stop the clock.

Interjections.

The Speaker: OK, folks, that's it. Order. Last warning for the Minister of Colleges, Universities and Training. If she acts up again she's going to be thrown out, and I mean it. To the minister, no more today or she's going to be thrown out.

New question.

LABOUR LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): I will not be asking any questions of the Minister of Colleges and Universities. Instead, I have a question for the Minister of Labour about his anti-family, employer-centred amendments to the Employment Standards Act. As if a 60-hour workweek isn't bad enough, as if changing the overtime regulations so you could take more money out of workers' pockets isn't bad enough, when you get to the back of the act and you read the fine print you find that you've given yourself the power to increase the workweek even longer. You've given yourself the power through regulation to take more overtime pay away from workers.

Isn't a new 60-hour workweek bad enough? You didn't consult on any of this. Why do you need the power to add an even longer workweek if you so choose at the stroke of a pen? Why do you need the power to in effect take away even more overtime pay from workers? Why

do you want to take us back to the Dark Ages? What do you have against workers anyway?

Hon Chris Stockwell (Minister of Labour): I thank the member opposite for the question. I suppose he's referring to the dark ages of 1990 to 1995, the dark ages of the NDP administration.

The provision at the back simply allows regulations to be passed that would exclude the sectors that were previously excluded under administrations in this province for the last 25, 30, 40 years, such as mining, such as trucking, such as hospitality. Those particular industries don't fall under the Employment Standards Act. They're done by regulations that you instituted and the Liberals instituted—a simple form of approach, a simple direction. Certain sectors don't fall under those regulatory frameworks because they're deemed to be different. If you simply are saying to me that they're not different and they shouldn't be treated differently, then tell me that.

Mr Hampton: What we're saying to you, Minister, is that the language that you put into this legislation at the very back of the act, in the fine print, isn't limited at all in the way that you say it is. What it gives you is the power to go behind closed doors at the stroke of a pen and to in effect increase the workweek even longer. It gives you the power to go behind closed doors and at the stroke of the pen change the regulation so that overtime is averaged over even longer hours, in effect to do away with overtime. None of that was consulted on.

What I'm saying to you is, before you pass these draconian measures; before you give yourself the power to have an even longer workweek, to take even more family time away from workers; before you give yourself the power to jam your hands into their pockets and take even more overtime pay away from them, you stop right now and you go out there to the public and you consult with the people of Ontario through hearings about these kinds of draconian measures. That's what we want you to do. Will you do it?

Hon Mr Stockwell: I'm really interested in pursuing that course. I want you to read to me where it says any differently in this piece of legislation than it said in the previous piece of legislation that you worked under and the Liberals worked under. What's the difference between the old piece of legislation verbiage and the new piece? You claim there's something new in this piece of legislation. Then you tell me the words that are new. You show me where it's new. You tell me what's new about this piece than the old piece. Other than that, I don't get your question.

The Speaker (Hon Gary Carr): Final supplementary.

Mr David Christopherson (Hamilton West): Minister, in addition to the fact that your 60-hour workweek will mean working parents are going to have less time with their children and the fact that your averaging overtime scheme means that workers are going to take home less money, you are suggesting in response to my leader's question that everything is the same. These are not minor amendments. This is a brand new act, an entire

new law. You found it important enough to hold public hearings on snowmobile trails. We're saying to you, at the very least we can pass the parental leave clauses today and send the balance of the bill to committee and give everybody an opportunity to make their own decision about an interpretation of this law. Minister, these changes are so fundamental to the working lives of millions of Ontarians. Don't they deserve at least the same attention as snowmobile trails?

Hon Mr Stockwell: I didn't hear them respond to the question I put. I asked you specifically, where are the changes that make this bill different than any previous piece of legislation that we operated under in this province? There have always been exclusions in the Employment Standards Act—in mining, in hospitality, in trucking. You guys all endorsed those. There's no difference. They're the same kinds of exclusions that allow us to pass regulations to amend parts of the act to allow certain sectors to have exclusions that you all endorsed. No difference whatsoever.

We're getting back to this whole public hearings bugaboo that you really shouldn't be standing up talking about, because we always have to refer back to the social contract and all the public hearings you held on the social contract. I said I may have to take a lecture or two from the Liberals on public hearings on labour reform, but I don't have to take lectures from you on public hearings on labour reform when you didn't spend five seconds at committee hearings when you gutted every collective agreement.

1430

TENANT PROTECTION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Municipal Affairs and Housing. The minister will know that the Canada Mortgage and Housing Corp just released their latest survey of apartment rents in Ontario. It shows that rents are going through the roof. A two-bedroom apartment in Toronto now costs \$1,896 more per year to rent than it did in 1997 when you gutted rent controls. You've jammed your hands into the pockets of tenants and taken out \$2,000 a year and given it straight to the landlords. You can blather on all you want about tax cuts, but there aren't any tenants out there who have received a \$2,000 tax cut to cover the \$2,000-a-year increase in rent.

Minister, since you've been so generous to the landlords, will you now support a rent freeze so that the hard-pressed tenants who are losing money will have an opportunity to catch up?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I rise to correct the record and to assure this House that the honourable member's statements are slightly inaccurate in describing what the rental market report in fact refers to.

As the honourable member would know, we changed the focus of the tenant protection legislation in this province from protecting rental units to protecting

tenants. When a tenant moves out of a rental unit, the impact is that the rental unit, for the first time perhaps in 25 years, can move up to market rates. That's what the statistics he refers to in fact refer to: the fact that tenants move out of a rental unit and the rental unit goes to a market rate, which means that landlords have the incentive to refurbish that unit, the incentive to rent out that unit and the incentive to build new units. So the honourable member is comparing apples to oranges.

Under the Mike Harris PC government, last year the rent control guideline, the rent control freeze, was 2.6%, the lowest in 25 years, and we're proud of that.

The Speaker (Hon Gary Carr): Final supplementary.

Mr Rosario Marchese (Trinity-Spadina): Minister, your disregard for tenants is breathtaking. I don't think you know what you're talking about necessarily; at least you're not responding to the question.

I attended a conference today held by the Ontario Social Safety Network, and they showed, among other things, that the rent hikes are hitting the most vulnerable. Some 42% of people on social assistance are children. These kids are living in dire poverty because of your 28% cut in welfare rates, when you include inflation, combined with your rent hikes of nearly \$2,000 a year, at least in Toronto. I don't exaggerate when I say your policies seem to be starving these kids to death. Where in heaven's name do you think their parents are going to be able to find the \$2,000 more a year in Toronto to pay for the rent hikes?

Minister, will you at least increase the shelter portion of social assistance so poor kids aren't tossed out on the streets? Will you do that? Can you respond to that question particularly?

Hon Mr Clement: Again, if you are a tenant living in a unit that is under the Tenant Protection Act, the maximum rent under the TPA that would have been adjusted or increased last year was 2.6%, the lowest in 25 years, certainly lower than the double-digit rent increases when the honourable member was on this side of the House.

If the honourable member is going to refer to the CMHC report, let me share with the honourable members another aspect of the CMHC report. It says, "Ontario job creation has been especially strong in the last three and a half years." Coincidence? I think not. It goes on, "Ontario's strong economy has attracted job seekers from other parts of Canada too." This report says that Ontario is strong, our economy is strong, we are attracting jobs and opportunity and prosperity, and we on this side of the House are proud of that.

AIR AMBULANCE SERVICE

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Health. We have repeatedly raised in this Legislature our concerns about the further privatization of our air ambulance system. We have asked why you would give severance notices to all of our critical care flight paramedics. In answer to our questions, you keep saying that no decisions have been

made. In fact, the only decision that hasn't been made is which private operator is going to get your newly offered contract. In the meantime, all of our most highly trained, experienced flight paramedics have said they will leave the air ambulance service. Even if a new private sector operator wants to rehire them, they are likely to have gone somewhere else.

Minister, I ask you again today, are you not at all concerned that we're about to lose our most highly trained paramedics? Are you not at all concerned that your new private sector operator will be unable to hire paramedics with the same training and experience you're about to throw away?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): What I am concerned about is some of the information coming forward, which doesn't represent the entire situation. First, let me share with people in this House that in the air ambulance program, which began in 1977, the aircraft and the pilots have always been provided by the private operators. Moreover, more than 75% of all flight paramedic staff are currently provided by private operators. But I also need to share with you the fact that as we began to issue these RFPs, to comply with the OPSEU collective agreement the ministry was obligated to notify the classified paramedics and give them the opportunity to notify us whether or not they wanted to be included in the RFP.

As you know, at this point in time we have not issued any layoff notices. We have not made any decisions. We are simply following forward in accordance with the terms of the agreement.

Mrs McLeod: The minister knows full well that the critical care flight paramedics are her employees and that the only reason they have been asked to indicate whether they will sever their employment with the ministry is because the ministry is about to privatize that aspect of the air ambulance service, and every one of them has signed that severance form.

Let's keep it clean here, Minister, because you are putting lives at risk with this further privatization of the air ambulance service. A large number of the lives you're putting at risk are the lives of very seriously sick infants and children, hundreds of seriously ill children who are flown out of northern Ontario every year to Sick Children's hospital in Toronto and who are dependent on our air ambulance service. I'm telling you today that you cannot guarantee with this next privatization step that the standards of the air ambulance system will be maintained.

I've seen your request for proposal. I've seen it set out the risks you're prepared to take with people's lives. For example, the requirement to have two critical care flight paramedics on every flight is going to be waived for a six-month period. I guess it's OK to take risks with people's lives if it's just a transitional period. I also see that the minister is prepared to allow air ambulances to fly with no paramedics at all for just \$150 less for the service.

Most alarming of all is that you're making 40% of the decision dependent on cost. I ask you today, what are you

prepared to sacrifice to get a cheaper service, and do lives have to be lost before you realize you can't do more with less with our essential air ambulance service?

Hon Mrs Witmer: Again, what is so alarming is the fact that the member opposite doesn't understand that under no circumstance would an air ambulance ever be permitted to take off without a paramedic if a patient is on board.

Hon Chris Stockwell (Minister of Labour): A patient.

Hon Mrs Witmer: Yes, a patient.

Also, I would say to the member, are you not aware that when we go through any of these processes with unions, the same process is followed? Do you not think we should live up to our obligations under the OPSEU collective agreement? Do you not think so? You know full well that we have made no decisions. You know full well that today 75%-plus of paramedics are under private operators. What we are simply saying is that we're issuing a request for proposal, we're giving the early notice that is necessary and then a decision will be made as to whether or not we proceed with one direction or another.

1440

STALKING

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Attorney General. I was absolutely horrified to read in the national media today that police reports of stalking have increased by 32% between 1996 and 1999. This is a frightening trend for the people of my riding of Scarborough Centre. The rate of stalking in Toronto is 40 incidents per 100,000 population. Minister, I know you will agree that something needs to be done to protect the victims of stalking in Ontario. I'm wondering if you would please comment on these statistics.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I thank the member for Scarborough Centre for the question and for her continuing concern for her constituents with respect to these important issues.

Stalking is a serious crime. I am very concerned by the statistics that have been reported. In 1996 there were more than 4,000 cases of stalking across Canada reported to the police; in 1999, more than 5,000 cases. It's one of the reasons we have before the House now, on behalf of our government, the Domestic Violence Protection Act, which expands the categories of persons who would be subject to intervention orders. It's one of the reasons I was at the White Ribbon breakfast this morning in support of the campaign against violence against women.

Clearly this is an issue that needs to be addressed. This is especially true when one realizes that a great deal of the stalking that happens relates to persons who are known to the persons being stalked. Ex-spouses account for 36%; ex-dating relationships for 15%; casual acquaintances for 25%; strangers for only 7%.

Ms Mushinski: Minister, unlike Dalton McGuinty and his federal cousins, who we know are soft on crime, I'm particularly glad to see that the Attorney General understands the scope of this serious issue and what it means to victims of stalkers.

You said in your remarks that you are committed to pressuring the federal government into creating solutions to counter stalking, and I wish you good luck in that. I would like to ask the minister what specific proposal he has in mind and has issued to Ottawa on this issue.

Hon Mr Flaherty: Specifically, at the federal-provincial-territorial ministers' conference in December 1999, I tabled a resolution on behalf of our government dealing with sentencing measures that ask the federal government to do the following: first of all, to strengthen legislation for the protection of victims from stalking or criminal harassment by doubling the maximum sentence to 10 years; second, to allow dangerous offender applications on a stalking conviction and permit the victim to more easily obtain a judicial restraining order under the Criminal Code; and, third, to make home invasion a specific offence, with a mandatory minimum sentence.

I encourage all members of the House to support our Domestic Violence Protection Act, which should be returning to the House shortly. Stalking is a serious crime.

NURSING PROGRAMS

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Colleges and Universities.

Minister, now that you've had the benefit of a brief cooling-off period, and understanding as we all do now that your government broke a very specific promise to hire 12,000 nurses by the year 2000, understanding as we all do that the Minister of Health continues to fire nurses in Ontario as we speak, and understanding as we now do your criticism of the Minister of Education for failing to graduate from our high schools students who are sufficiently educated to qualify to enrol in our nursing programs, can you tell us something about your specific responsibility and why you have failed to expand nursing school programs in Ontario when we are so desperately short of nurses today?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): Mr Speaker, I'll be very focused. I would hope that the remarks of this leader would not be taken seriously by anyone who heard them, because they are incorrect. I would also like to say that we are negotiating with the colleges and universities now for collaborative nursing programs, as we intended to do. We are having great success. We are not finished our negotiations. I don't know why he made the statements on behalf of colleges that he did. We have said no to no one. I can hardly wait to see the Hansard so that the Leader of the Opposition will have to apologize to the president for misrepresenting him in this House.

The Speaker (Hon Gary Carr): Minister, you can't say words like "misrepresenting." You have to take that back.

Hon Mrs Cunningham: I will take it back, Mr Speaker.

The Speaker: Final supplementary?

Mr McGuinty: Minister, your responsibility is to be on deck, looking out at the distant horizon and making sure our needs are being met in Ontario. Back in 1998, the Premier recognized we were going to be short of nurses, so he put together a nursing task force. Then in early 1999 he said, "OK, we need 12,000 by the year 2000." You tell us you are still making plans today for some time next year to expand our nursing school programs so we might graduate nurses, I guess, in 2003 or 2004.

My question to you is, why is it that you've turned down the University of Toronto? They said, "We need more money. We want to expand our nursing school programs now." Why did you turn down McMaster University? They said the very same thing. Why did you turn down Conestoga College? They asked you the same thing: "We want some money so we can expand our nursing school programs now." Why is it you're failing to live up to your responsibility to make sure Ontarians have enough nurses on the job as soon as possible to look after their health care needs?

Hon Mrs Cunningham: The Nursing Education Implementation Committee reported to this government in July 1999. We have been working—

Mr John Gerretsen (Kingston and the Islands): A year and a half ago.

Hon Mrs Cunningham: A year and a half ago. We have had a nursing task force which has since reported. We have been working on collaborative nursing programs. We have not said no, in fact, to any of the presidents the leader seems to think he is speaking on behalf of. We are working toward a successful implementation, and I hope the plan will be announced as appropriate. But they are aware. We are working with them. We are making major changes to the delivery program and we have, I think, considered carefully the recommendations we have received and we're very optimistic about having a response. All of this will begin next September.

The Speaker: New question? The member for Simcoe North.

Mr Garfield Dunlop (Simcoe North): I didn't know there was so much doom and gloom in here. I'm very happy with the 2,200 new pupil places Georgian College has received in my riding. They run an excellent nursing program that's expanding each year.

The Speaker: The member take a seat. I've said it to the Leader of the Opposition. You too, if that's your question to the minister, that's fine. You can't have two questions in one. Continue, please.

Mr Dunlop: Sorry, Speaker.

WATER TREATMENT FACILITY INSPECTIONS

Mr Garfield Dunlop (Simcoe North): My question is for the Minister of the Environment. Minister, I understand from your press release on November 27 that 50 more water treatment facilities have been ordered to take corrective actions. When ministry officials are inspecting these sites, what are they looking for?

Hon Dan Newman (Minister of the Environment): I'd like to thank the member from Simcoe North for the question. We've committed to inspecting each and every municipal water treatment facility in the province before the end of this year. I can assure the House that we are right on schedule in achieving our goal.

I would answer your question by saying that the inspections ensure there is a sufficient number of samples being taken and that those samples are being analyzed. We ensure that there is adequate maintenance of all disinfection equipment at those facilities. We also make sure the staff has appropriate certification, as well as adequate and ongoing training. Also, we make sure that the facility is in compliance with the minimum treatment guidelines. These inspections are an integral part of Operation Clean Water to ensure that the quality of Ontario's drinking water is indeed there.

If I have a moment, I'd just like to say what a terrific job the staff are doing to get all the inspections done by the end of this year.

Mr Dunlop: Minister, the Liberal member from Brant claimed in the Hamilton Spectator that these press releases you are putting out are alarmist and merely a public relations exercise. I find that very hard to believe, coming from him. How do you respond to that charge?

Hon Mr Newman: We committed to the people of Ontario that we would be open and transparent when it came to communicating with the public about the condition of their water treatment facilities. I guess the member opposite doesn't feel the public should know if their water treatment facilities aren't meeting our stringent standards. I know the Liberal member for Brant may not want his constituents to know, but we on this side of the House feel that they indeed have a right to know.

Regular annual inspection of water treatment facilities is a priority for this government. We are doing everything possible to ensure that Ontarians have the safest drinking water supply possible from source to tap.

1450

AIR AMBULANCE SERVICE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Health and it again is about air ambulances and critical care air ambulance paramedics. That's a very heavily specialized service. Every year they carry hundreds of the sickest children in the province to hospital. The Sioux Lookout base in my constituency in the last 12 months has air-ambulanced 275 children and infants to hospital with the help of the criti-

cal care ambulance paramedics. The request for proposal that you've issued will allow the private contractor, if they so decide, to staff an aircraft with fewer critical care ambulance paramedics. It becomes a profit-making decision for them. They pay a small penalty for doing that, but they save a lot of money.

Minister, are you really prepared to put children's lives at risk in a privatization scheme that allows the private contractor to lower the number of critical care paramedics that are on the aircraft? Are you really prepared to do that?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): Ever since the beginning of the air ambulance program in 1977 we have had in this province a very unique program that has involved both the private and the public sector. As I said, more than 75% of the flight paramedic staff today are currently provided by private operators. Again, patient safety is a top priority. Under no circumstances would an air ambulance be permitted to take off without a paramedic if a patient is on board. Regardless of who operates the air ambulance in this province, they must maintain the highest standards of care in accordance with the Ambulance Act. As I say, we are doing what is required and we are moving forward in accordance with the OPSEU collective agreement.

Mr Hampton: The OPSEU collective agreement has got nothing to do with this, Minister. It's your decision and your decision alone to now privatize the work of critical care ambulance paramedics. That's what this is about. These are the most highly trained paramedics in the province. They have specialized training and experience in dealing with very sick children flying in aircraft. You're about to downgrade this service. You'd better read your own request for proposal because it says right in there that the contractor can decrease the number of critical care paramedics on the aircraft if they so choose. All they have to do is pay a financial penalty.

The question is this. We're talking here about the lives of children. Is this going to be another Walkerton, where you privatize the service and we find out six months from now or a year from now that children are dying because you're so devoted to privatization? Read your own request for proposal, Minister, and tell us, are you really that eager to put the lives of children at risk?

Hon Mrs Witmer: I wonder if the leader of the third party has read very carefully. It says in there that under no circumstances would an air ambulance be permitted to take off without a paramedic if a patient—and I stress the word "patient"—is on board.

Again, patient safety is a priority and the choices that are made will ensure that whoever operates the air ambulance in this province must maintain the highest standard of care. It refers to patients.

PROPERTY TAXATION

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Finance and it has to do with the property tax bill we'll be giving second reading

to, or we'll be voting on second reading. Our opinion is that many municipalities in the province of Ontario are beginning to come under enormous financial constraints in the months ahead, and indeed in the years ahead. With the downloading of ambulance services, social housing, transit and social assistance on property taxes, the constraints on municipalities are going to get even worse.

Your law says that for many municipalities if after they've cut their expenses they feel they must increase taxes to provide services such as ambulances, all of that must go on to single-family residential—in many communities. Based on the information you've provided, it looks like communities such as London, Guelph, Brockville, North Bay, Waterloo, Toronto and Hamilton, if they're forced to increase taxes, will be ones that will be forced to put it all on single-family residential.

When we know that municipalities are going to be under some severe financial constraints in the months and years ahead, why would we pass a law that compels many municipalities to put any tax increases solely on single-family residential?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): First of all, like a typical Liberal the question being asked is, what are you going to do when you want to spend more money? We have a very simple philosophy on this side of the House and that is to lower taxes. There is no requirement for any single municipality, out of 500 and some odd, in the province of Ontario to raise taxes. If they want to raise taxes, that's their decision. They're elected locally. They have to be responsible to their municipalities.

Interjection.

Hon Mr Eves: I hear the chatter from his seatmate coming about downloading to municipalities. He's talking about, I presume, his own municipality. Local service realignment savings in his municipality in 1998-99 are: for social assistance, \$26.428 million; for public health, \$47.223 million; for ambulances, \$33.183 million; for social housing, \$32.741 million; and for GO Transit—

The Speaker (Hon Gary Carr): Order. Supplementary.

Mr Phillips: Of course no one wants tax increases, but you downloaded. You put social assistance on property tax. It was you that put ambulances on it, against the advice of Dave Crombie, against the advice of everyone who looked at it for you. You did it.

And so now I just say, on behalf of the municipalities in the province of Ontario, in the months ahead—and indeed in the years ahead—they are going to be under enormous pressure. I'm simply asking you to answer this question: you have downloaded on to them. You now are passing a law that will force them, if they're forced to increase taxes—and I have confidence in municipalities. They've cut their expenses to the bone; they're now dealing with expenses cut to the bone. To provide essential services such as ambulances, tell me why Mike Harris would pass a law that says 100% of any increase in many municipalities must be solely, exclusively on single-family residential. Why would we be passing a

law today that funds our ambulance service singly on single-family residential?

Hon Mr Eves: That is not what the law says and the honourable member knows it. It says that where any municipality is above the provincial average in ratio of business taxes to residential—the provincial average—then they cannot pass the additional burden on to classes that are already way out of whack with the provincial average. That's what it says.

With respect to the city of Toronto, which he represents as a member, in addition to the \$150 million in savings they have as the result of uploading of benefits to the municipality that he represents, they've also been provided with \$560 million a year in additional property tax revenue and they've been provided with \$220 million a year in residential education tax revenue in the city of Toronto. I see no need to raise taxes.

1500

HOMELESSNESS

Mr John Hastings (Etobicoke North): My question is directed to the municipal affairs and housing minister. It relates to the plight of the homeless in the city of Toronto. On November 2, you and Minister Baird passed over to the city of Toronto the Princess Margaret Hospital site for the homeless. That facility has about 500 rooms to help the homeless. Yet, at this point, on November 28, 29, 30, we haven't heard very much from the city of Toronto, neither its politicians nor its senior staff.

Interjections.

The Speaker (Hon Gary Carr): Will the member take his seat. Sorry to interrupt. The member for Toronto Centre-Rosedale, his last warning. He can't continue to shout out. The member from Etobicoke is asking an important question on behalf of his constituents, and he needs to have an answer that he can hear. Sorry for the interruption.

Mr Hastings: Speaker, thank you. I'd like to ask the minister, why is it that on November 30, nearly four weeks later, we have not heard a positive response or a specific response from the city of Toronto's administration regarding the use of this facility for the homeless for the coming winter?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I thank the honourable member for the question. He shares with me and indeed everyone on this side of the House a concern that moves beyond rhetoric and into action when it comes to solving the homelessness issue.

On this side of the House, over the past year or so, we've had \$100 million worth of initiatives in this particular area. I can assure the honourable member that it was with a great deal of hope that Minister Baird and I did offer the transfer to the city of Toronto of one and a half acres of land and the building at Princess Margaret. I can tell the honourable member, I can confirm for him, that that initiative could provide up to 500 rooms that

could be used to provide shelter for the homeless or, should the city so desire, create 200 units of affordable housing. Why has this initiative not moved forward? I can tell the honourable member that on our side of the House we have operators standing by and we want to be helpful.

Mr Hastings: My supplementary relates exactly to this whole issue of promptness. Given that Councillor Layton of the NDP is a constant champion of the homeless, given that the leader of the official opposition has tolerated—can you believe this?—Toronto Centre-Rosedale's adamant opposition to the use of the homeless for this facility, why is it that the city of Toronto is dragging its feet, is slow on the uptake on this whole issue? Winter is here and we don't see much action from these folks across the way.

Hon Mr Clement: It is indeed a perplexing situation where rhetoric does not match reality when it comes to other persons. I too have heard members of this House who proclaim an interest in solving the homelessness tragedy. I've heard city councillors who indeed were re-elected profess concern and demand that the province act on these issues, and yet when it came to a specific initiative that could have provided 500 units for those who are at risk of being homeless, who are homeless, these members of various city councils, and indeed of this Legislature, said no. When there was an opportunity to be counted, they said no. That's the tragedy, but on our side of the House we are prepared to work with the city, work with the councillors to get the situation resolved.

INTERNATIONAL ADOPTIONS

Mr Joseph Cordiano (York South-Weston): The question is to the Minister of Community and Social Services. On September 28 this Legislature passed second reading of my private member's bill to revoke the \$925 head tax that you imposed on international orphans. Minister, the members of this Legislative Assembly, along with your caucus colleagues and even some of your cabinet colleagues, passed my bill. They were saying in effect that your tax is simply wrong. How can you continue to justify charging \$925 for adoptions that are finalized in a foreign country? After all, it is the foreign country that processes these adoptions, it is the foreign country that incurs and additional costs. It's not the Ontario government, and yet it is the Ontario government that collects the \$925 head tax. Minister, will you recognize today that your tax is simply unjust, unfair and nothing short of a cash grab?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): At the outset, I appreciate that this is a difficult issue. These issues always are. Our government, as I've said in the past, does understand the huge challenges that families face when they seek to adopt a child abroad. That's why this government, and that's this Legislature with all-party support, passed legislation that would implement the Hague Convention on international adoptions.

That bill itself contemplated a fee. All members of the Legislature, including the member for Parkdale-High Park, voted for that bill. It said right in it that there could be a fee. It is a fee for service. It is not a tax, as the member opposite suggests. The ministry undertakes a whole series of safeguards to help protect children, who are vulnerable, and their families throughout this process.

Mr Cordiano: It's obvious that the greed of the Ministry of Community and Social Services knows no bounds. Not only do you charge a head tax, but the agencies that facilitate these adoptions also pay you annual licensing fees. Minister, your explanations simply don't stand up to any kind of scrutiny. I repeat, the members of this Legislative Assembly, your caucus colleagues and your cabinet colleagues all believed it was time to revoke this tax. I ask you again, why don't you stand up today, recognize the unfairness of your tax and simply do the right thing? Revoke this awful tax.

Hon Mr Baird: Perhaps I would be inclined to agree with the member opposite if he weren't so selective in the use of the facts. This is in fact not a tax; it is a fee for service. What was contemplated in the legislation is that certain expenses would have to be undertaken to help pay for this process. There is a series of protections for vulnerable children and a safeguard for families. In fact, when establishing the amount of resources it will take to implement this legislation—

Interjections.

Hon Mr Baird: They don't want to hear. I won't answer.

AIMING FOR THE TOP SCHOLARSHIPS

Mr Doug Galt (Northumberland): My question is directed to the Minister of Training, Colleges and Universities. Minister—

Interjection: She's not here.

The Speaker (Hon Gary Carr): Stop the clock. We'll wait for the minister to come back.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: Is it possible to ask a question to a minister who is not in the House? Oh, there we are.

The Speaker: We'll wait until the minister gets settled. Member?

Mr Galt: Minister, I took note of an advertisement in the daily papers yesterday, congratulating the winners of the year 2000 Aiming for the Top tuition scholarships. This program is just one of the ways this government has committed to helping students, and it's great to see these young Ontarians receiving recognition for their achievement. Minister, how much did the Ontario government invest this year, and how many students won Aiming for the Top tuition scholarships?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): Over 400,000 students from across this province won Aiming for the Top tuition scholarships this year. The program offered some \$8 million in total assistance to these students. These young people have received up to \$3,500 a year, and if they keep their average up they can have that for four years.

We did this not only to recognize the excellence of our secondary school students as they graduate, but also to recognize the fact that many of them have special financial needs. It recognizes both those with financial need and of course those who are excellent. I'm sure that all members of this assembly would join us in congratulating these young people who have won these special awards.

Mr Galt: I'm pleased that our government is encouraging excellence in achievement among Ontario secondary school students.

Minister, I or my staff or spouse have attended all eight secondary school graduations in my riding. Generally there was no acknowledgement that this is indeed a provincially sponsored scholarship. As I'm sure the minister is aware, next year's secondary school graduates are now making plans for the next steps in their education. What information do students interested in next year's awards need to know in order to be considered for an Aiming for the Top scholarship?

Hon Mrs Cunningham: Since we're recognizing both scholarship and need, the students should know they can apply, and should submit an OSAP application by the deadline next year, which is June 15. There's lots of time for them to get ready with their applications, get the letters of support and to work hard to get those marks. So that's the time.

As they know, they are going to be chosen based on their marks and their financial need. I should let everyone know, as I said before, that if they can keep this average and if they qualify for the total amount of \$3,500, they can actually get it for up to four years.

I encourage all the young people and members of communities who did see that advertising—as an effort to get the word out, this is the first time we've done it. The guidance teachers can't all do it alone. So all of us can help our young people and their families to be more aware.

1510

VISITORS

Hon Janet Ecker (Minister of Education): On a point of order, Speaker: I would like to at this time introduce some special guests in the gallery from the Ontario Principals' Council, who have been meeting with our MPPs: Rick Victor, the president of the principals' council, and Mike Benson, the executive director. Also I would like to introduce Gale Mossman, who's the chair of the GTA hospital alliance.

PETITIONS

EDUCATION REFORM

Mr Tony Ruprecht (Davenport): I have a petition regarding secondary school reform.

"We, the undersigned, believe that the heart of education in our province is the relationship between student and teacher and that this human and relational dimension should be maintained and extended in any proposed reform. As the Minister of Education and Training, you should know how strongly we oppose many of the secondary school reform recommendations being proposed by this ministry and by your government.

"We recognize and support the need to review secondary education in Ontario. The proposal for reform as put forward by your ministry, however, is substantially flawed in several key areas: (a) reduced instructional time, (b) reduction of instruction in English, (c) a reduction of qualified teaching personnel, (d) academic work experience credit not linked to educational curriculum, and (e) devaluation of formal education.

"We, the undersigned, strongly urge your ministry to delay the implementation of secondary school reform so that all interested stakeholders—parents, students, school councils, trustees, teachers and others—are able to participate in a more meaningful consultation process which will help ensure that a high quality of publicly funded education is provided.

"Secondly, we, the undersigned, are categorically opposed to the closure and consolidation of St Raymond Catholic School or any school in the city of Toronto."

Since I'm in total agreement with this petition, I'm delighted to put my signature to it.

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): I have a petition regarding this government's ongoing discrimination against northern cancer patients. It reads as follows:

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Lougheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

This is signed by hundreds of people from my riding. I agree with the petitioners, and I have affixed my name to

it. I would like to thank Gerry Lougheed Jr for all of his efforts in this.

DRIVER LICENCES

Mr Carl DeFaria (Mississauga East): "To the Legislative Assembly of Ontario:

"Whereas great hardship and inconvenience is caused to many Ontarians when the Ministry of Transportation refuses to renew their expired driving licences 3 (three) years after the expiry dates because of renewal notices getting lost in the mail or misdelivered, I petition, on my behalf and on behalf of all other persons similarly affected, the Legislative Assembly of Ontario to authorize the said ministry to renew our expired driving licences without any further testing."

This petition is signed by a constituent of Mississauga East on behalf of other people in Mississauga East.

HEALTH CARE FUNDING

Mr James J. Bradley (St Catharines): I have a petition that is addressed to the Legislative Assembly of Ontario.

"Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to the United States to receive medical attention;

"Whereas many prescription drugs which would help patients with a variety of medical conditions such as macular degeneration, multiple sclerosis, arthritis, diabetes and heart failure are not covered by OHIP;

"Whereas many residents of St Catharines and other communities in Ontario are unable to find a family doctor as a result of the growing doctor shortage we have experienced during the tenure of the Harris government;

"Whereas many assistive devices that could aid patients in Ontario are not eligible for funding from the Ontario Ministry of Health;

"Whereas community care access centres have inadequate funding to carry out their responsibilities for long-term and home care;

"Whereas the Harris government has now spent over \$185 million on blatantly partisan government advertising in the form of glossy brochures and television and radio ads;

"We, the undersigned, call upon the Conservative government of Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising and instead to invest this money in health care in the province of Ontario."

I affix my signature. I'm in complete agreement.

DIABETES TREATMENT

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

"We, the undersigned, petition the Legislature of Ontario.

"We are suggesting that all diabetic supplies as prescribed by an endocrinologist be covered under the Ontario health insurance plan.

"Diabetes costs Canadian taxpayers a bundle. It is the leading cause of hospitalization in Canada. Some people with diabetes simply cannot afford the ongoing expense of managing diabetes. They cut corners to save money. They rip test strips in half, cut down on the number of times they test their blood and even reuse lancets and needles. These budget-saving measures can often have disastrous health care consequences;

"Persons with diabetes need and deserve financial assistance to cope with the escalating cost of managing diabetes. We think it is in all Ontarians' and the government's best interests to support diabetics with the supplies that each individual needs to obtain the best glucose control possible. As you all know, good control reduces or eliminates kidney failure by 50%, blindness by 76%, nerve damage by 60%, cardiac disease by 35% and even amputations. Just think how many dollars can be saved by the Ministry of Health if diabetics had a chance to gain optimum glucose control."

HEALTH CARE FUNDING

Mr Dominic Agostino (Hamilton East): As there are over 200 CCAC case managers still on strike in Hamilton as a result of the underfunding of home care by the Mike Harris government of Ontario, I am going to present the following petition to the Legislative Assembly.

"Whereas there are a higher number of elderly people and people with disabilities living in the Hamilton-Wentworth region, because of the excellence of the health care system in the area; and

"Whereas the case managers and placement coordinators in the Hamilton-Wentworth Community Care Access Centre have higher caseloads than other community care access centres in the central-southwest region; and

"Whereas the staff at the Hamilton-Wentworth Community Care Access Centre are paid less than their counterparts in the central-southwest region; and

"Whereas the health care system in Hamilton-Wentworth is a self-contained seamless system; and

"Whereas increasing funding will be needed to provide health care services to citizens in the future in this self-contained seamless system; and

"Whereas all workers working in the health care system, and the citizens of Hamilton-Wentworth, expect adequate funding for the health care system ... in Hamilton-Wentworth, both now and in the future and recognize the equal importance of all the parts of the ... health care system;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows: to provide adequate funding immediately to the Hamilton-Wentworth Community Care Access Centre so that pay and con-

ditions of staff will be equal to those in other community care access centres in the central-southwest region; and that adequate funding will continue to be provided in the future according to the needs of the community."

I am pleased to sign my name to this petition.

1520

PROTECTION OF MINORS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit materials;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I am pleased to affix my signature to this petition.

SCHOOL CLOSURES

Mr Tony Ruprecht (Davenport): I have a petition in regard to the closure of schools in Toronto. This petition came along with a card, and the card says just one sentence: "My house taxes just increased about \$800; I want to make sure that this money is well used toward a great education for my children, as well as all children." The petition reads as follows:

"Whereas Mike Harris is cutting the heart out of many communities by closing hundreds of neighbourhood schools across Ontario; and

"Whereas this massive number of school closings all at once will displace many children and put others on larger bus routes; and

"Whereas Mike Harris promised in 1995 not to cut classroom spending but has already cut at least \$1 billion from schools and now is closing many classrooms completely; and

"Whereas the government is pitting parent against parent and community against community in the life of those schools; and

"Whereas parents and students in the city of Toronto and many other communities across Ontario are calling on the government to stop closing so many of their schools;

"We, the undersigned, petition the assembly of Ontario as follows:

"We demand that this government stop closing local schools."

Since I'm in full agreement with this petition, I'm signing it as well.

REGISTRATION OF VINTAGE CARS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'll be quick because I know my honourable colleague is going to be taking up some time as well. This is a petition to the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles."

I affix my name to it.

FIRE PROTECTION SERVICES

Mr James J. Bradley (St Catharines): I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas the Fire Protection and Prevention Act, otherwise known as Bill 84, threatens public and firefighter safety by altering the definition of a full-time firefighter so as to allow municipalities to hire part-time firefighters; and

"Whereas part-time firefighters do not have sufficient training and expertise to fill the role of full-time firefighters; and

"Whereas we believe the fire marshal should perform more audits to ensure that municipalities are meeting minimum standards of fire service; and

"Whereas firefighters must often respond to blazes that involve dangerous and hazardous materials; and

"Whereas the Canadian Centre for Occupational Health and Safety does not have adequate enforcement powers needed to protect Ontario workers, including firefighters, using hazardous materials; and

"Whereas we believe that in order to make hazardous work sites safer the government of Ontario must take the lead on this issue, including funding;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to support the efforts of the Ontario Professional Fire Fighters Association as they lobby the government to take immediate action in implementing their recommendations so that the public and firefighter safety is never compromised."

I affix my signature; I'm in full agreement with this petition.

The Acting Speaker (Mr Tony Martin): Further petitions, the member for Durham.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): I was quite concerned that I wasn't going to get on today. It would have been a record.

I think it's important to recognize that this is one of the first times that a petition from the paper has been accepted in the Legislative Assembly of Ontario. It reads:

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates;"—what a shame—"and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker"—he used to sit here, actually—"have worked together tirelessly to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to allow vintage auto enthusiasts to use year of manufacture plates."

I would also like to mention that I have with me page Adam and he is going to deliver this to the table. Thank you very much for your assistance.

ORDERS OF THE DAY

LABOUR RELATIONS
AMENDMENT ACT, 2000LOI DE 2000 MODIFIANT LA LOI
SUR LES RELATIONS DE TRAVAIL

Resuming the debate adjourned on November 16, 2000, on the motion for second reading of Bill 139, An Act to amend the Labour Relations Act, 1995 / Projet de loi 139, Loi modifiant la Loi de 1995 sur les relations de travail.

The Acting Speaker (Mr Tony Martin): Pursuant to the order of the House dated November 22, 2000, I am now required to put the question.

Mr Stockwell has moved second reading of Bill 139. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1527 to 1532.

The Acting Speaker: We are voting on Bill 139. All those in favour will rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Clement, Tony
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Eves, Ernie L.
Flaherty, Jim
Galt, Doug
Gilchrist, Steve

Gill, Raminder
Hastings, John
Hudak, Tim
Johns, Helen
Johnson, Bert
Kells, Morley
Klees, Frank
Marland, Margaret
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Murdoch, Bill
Mushinski, Marilyn
Newman, Dan
O'Toole, John

Ouellette, Jerry J.
Palladini, Al
Sampson, Rob
Snobelen, John
Spina, Joseph
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turmbull, David
Wettlaufer, Wayne
Witmer, Elizabeth
Wood, Bob
Young, David

The Acting Speaker: All those opposed will rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Christopherson, David
Churley, Marilyn
Colle, Mike
Conway, Sean G.

Cordiano, Joseph
Duncan, Dwight
Gravelle, Michael
Hampton, Howard
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Lankin, Frances

Levac, David
Martel, Shelley
McLeod, Lyn
Phillips, Gerry
Ruprecht, Tony
Sergio, Mario
Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 46; the nays are 25.

The Acting Speaker: I declare the motion carried.

Pursuant to the order of the House dated November 22, 2000, the bill is ordered referred to the standing committee on justice and social policy.

CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000

LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS

Resuming the debate adjourned on November 23, 2000, on the motion for second reading of Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

The Acting Speaker (Mr Tony Martin): Pursuant to the order of the House dated November 28, 2000, I am now required to put the question. Mr Young has moved second reading of Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes.

Is it the pleasure of the House that the motion do carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1537 to 1542.

The Acting Speaker: Members take their seats.

All those in favour will rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Clement, Tony
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Eves, Ernie L.
Flaherty, Jim
Galt, Doug
Gilchrist, Steve

Gill, Raminder
Hardeman, Ernie
Hastings, John
Hudak, Tim
Johns, Helen
Johnson, Bert
Kells, Morley
Klees, Frank
Marland, Margaret
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Murdoch, Bill
Mushinski, Marilyn
Newman, Dan

O'Toole, John
Ouellette, Jerry J.
Palladini, Al
Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turmbull, David
Wettlaufer, Wayne
Witmer, Elizabeth
Wood, Bob
Young, David

The Acting Speaker: All those opposed will rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Christopherson, David
Churley, Marilyn
Colle, Mike
Conway, Sean G.

Cordiano, Joseph
Curling, Alvin
Duncan, Dwight
Gravelle, Michael
Hampton, Howard
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc

Lankin, Frances
Levac, David
Martel, Shelley
McLeod, Lyn
Phillips, Gerry
Ruprecht, Tony
Sergio, Mario
Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 48; the nays are 26.

The Acting Speaker: I declare the motion carried.

Pursuant to the order of the House dated November 28, 2000, the bill is ordered for third reading.

CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000

LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS

Mr Eves moved third reading of the following bill:

Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): This act offers continuous protection for

property taxpayers in Ontario. I'll just recap how the province got to where it is today.

Over many, many decades we had different systems of property taxation, different values in different parts of Ontario, depending on what part of the province you lived in. It varied from values as recent as 1992 to 1940 values. Hence, we introduced legislation some three years ago to change the system of property taxation in Ontario to go to a current value system where everybody would be treated the same, with people paying the same taxes on properties of the same value.

That was able to be done relatively quickly with respect to residential properties, but it wasn't so easily done with respect to business properties, be they commercial or industrial. The reason for that is very simple. Because there were such great diversions among different parts of the province, some were actually at one-to-one identical ratios with residential, some even slightly lower than one to one and some were as high as seven to one in other areas of the province where reassessments hadn't been done for several decades.

Therefore, it was decided at that time that there would be a limit or cap put on the amount that business taxes could rise in any one year. That cap, after consultation with municipalities, business owners and others, was reached at 5%, except for the city of Toronto, which was given the option of adopting a 2.5% cap, which in fact they requested and were granted by the provincial government at the time.

The Premier and myself have been saying consistently now for well over a year, for about a year and a half, that the caps as they then were for the last three years would be reintroduced and reinstituted for as long as it took to achieve fairness in the property taxation system in Ontario. That is exactly what this bill purports to do. The city of Toronto will have the option to go to 5%. In fact, I believe the legislation says they do go to 5% like the rest of the province, an actual cap, unless they decide to revert back to their 2.5% cap, which they have the privilege of doing, should they so desire. That is strictly their choice.

It's a very difficult issue. I've heard members opposite, and I had been a member opposite for some 10 years in this Legislature, so I guess I understand where they're coming from. Their job, as they see it, is to point out what they consider to be negative points or weaknesses in legislation. Our job of course is to look at the facts and try to present as fair and equitable a picture in the province as we can.

Obviously there are going to be inequities in any system. The property taxation system, even with the current reform, is based on averages. It is not based, and could never be based, on individual properties because there are literally millions of them in Ontario. If we had done nothing with respect to capping business taxes a few years ago, there would have been many small businesses, literally thousands, in the province that would have gone out of business because of high taxation rates.

The issue facing us today is somewhat different than it was even three or three and a half years ago. Property values have risen rather dramatically in different parts of the province, especially right here in the city of Toronto. They have gone up dramatically over the last three years. Of course, now the Ontario property taxation corporation is run by municipalities. They took on that responsibility on December 17, 1998, and it has been run by them since then. They have done what the province would have done, had they been still in charge of the system, and that is that the new assessments are based on June 30 values in the year 1999.

I want to get a point across because everybody, whether you're a homeowner or whether you're a business owner, is now getting their assessment notice. The assessment notice is not a tax bill. It is a statement of what the assessment corporation believes your property to be worth in current values as of June 30 last year. Some people are assuming that, figures meaning nothing, if your assessment went up 20%, your property taxes are going up 20%. That's not necessarily true. If the average in a particular municipality—take any one you want—was an increase of 20% in assessment, then the municipality can raise exactly the same amount of revenue by lowering the tax rate or the mill rate by 20% and they will end up with exactly the same amount of money they had in the previous year. That would be the responsible thing for a municipality to do.

1550

On the other hand, every municipality is different. They are unique. They have different needs and concerns. Some municipalities may see the need to raise expenditures in any particular year for any particular reason. If they do so, they are elected by their local electorate, they are responsible to their local electorate and they are accountable to their local electorate at the end of the day. They have the ability to raise taxes, if they choose, by raising the mill rate or, in this case, the hypothetical case we're talking about, not lowering it perhaps quite as much as 20%. That would generate more revenue to the municipality, obviously, but becomes an additional burden on the taxpayers, be they residential or business.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): Is there an exam in this course?

Hon Mr Eves: Thank you, I say to the honourable member opposite. You perhaps will get me back on track.

With respect to businesses, it is a bit of a different situation. There is a thing called the provincial average: what the ratio is between business taxation and residential taxation. As a result of steps that the provincial government has taken and that many municipalities have taken over the last three years, that provincial average has now come down fairly dramatically. It is now at about, I believe, 2.5 to 1 with respect to industrial properties in the province and at just over 2 to 1 with respect to commercial properties in the province. When we started this exercise over three years ago, those numbers were up around or in excess of 3 to 1.

Part of that is because for our part, the province, with respect to education property taxes on the business side, has embarked upon an eight-year program, now reduced to a seven-year program, to gradually reduce by \$500 million, by half a billion dollars, business education taxes in the province. As we announced a week or a week and a half ago, starting January 1, 2001, business taxpayers will be receiving a benefit of some \$325 million a year in lower business education property taxes.

With respect to homeowners, we made a commitment before the last election that we would reduce residential education property taxes in the province and we have gone a fair way there: some \$55-million worth with respect to residential tax reductions in the city of Toronto alone, for example. That commitment will be delivered upon. We're ahead of our commitment so far.

Taxation is never a nice issue. None of us likes to pay taxes, regardless of what type of tax it is, but I think we understand it is part of our responsibility as citizens of the society in which we live, is part of the necessity to provide such things as public health, public education, transportation etc.

We have reopened the toolbox for municipalities. They asked for that. They asked to have the ability to go back and to rethink some of the decisions they made some three-plus years ago. We have done that for them and they have the ability now to create additional property taxes. They have the capping mechanism. They have optional property classes. They can have graduated tax rates within the business classes. They have municipal phase-ins. They have municipal tax rebates. So they have the ability to redo those decisions or rethink those decisions, if you will, that they made some three-plus years ago. A lot of them have indicated to us that they intend on doing exactly that. That should lessen the burden in many cases on a lot of taxpayers in many municipalities across the province.

We have proposed some amendments with respect to vacant business properties in the province, with respect to relief from hardship for low-income seniors, for disabled persons, for custom-built homes for disabled persons, for charities, for hydroelectric facilities, power dams and generating facilities, an exemption for poles and wires. We have changed the treatment of some privately owned convention facilities in the province, airport authorities, clerics' residences, and the list goes on. We think these are all steps in the right direction to make the real property taxation system in Ontario somewhat more equitable than it is today.

Mr Conway: Ernie, what's the value of that hydro-electric—

Hon Mr Eves: I don't have that off the top of my head, but I'm sure I can get that to the honourable member.

With respect to the city of Toronto, I think everybody understands and appreciates that the city of Toronto is the focal point not only of economic activity in Ontario, but indeed arguably the focal point of economic activity in the country of Canada. I understand, I guess, opposition

members taking the positions they do from time to time. As I said, I've been on the opposition side of the House myself for some 10 years. However, I don't think that the city of Toronto is being treated—I would make the case—any differently than any other municipality in the province. In fact, I think we have tried to bend over backwards to do things for the city of Toronto that we recognize are unique. It has unique needs and we have tried to satisfy those needs from time to time and we'll continue to try to do that in the future.

We had a bit of a discussion today in question period. We often hear about what the needs of the city of Toronto are, but I don't too often hear or read or see in the media the benefits the city of Toronto has received from restructuring. I don't often hear about the amount of tax room that's been freed up to the municipality: some \$220 million a year in additional residential education tax room over LSR costs between 1998 and 1999, for example. The city of Toronto's net savings from LSR in 1998 and 1999 total over \$150 million. Province-wide that number was somewhere closer to \$500 million.

The city of Toronto was provided with some \$560 million in additional property tax revenue to cover services transferred through LSR starting in 1998. In addition, the city of Toronto has received a \$50-million grant in 1998 to finance transportation and communication projects; a \$100-million interest-free loan in 1998; an additional \$100-million interest-free loan in 1999; some \$829.2 million as a one-time payment to the city of Toronto and TTC in 1998 to help make the city and TTC whole, if you will, with respect to capital expenditures expected by TTC in future years; \$20 million in operational and capital funding to help agencies in Toronto develop more supportive housing for people with serious mental illness; \$53 million for GO Transit under the municipal capital and operating restructuring fund during the fiscal year 1998-99 alone. So the list goes on.

We have talked to the city recently about its particular needs for transportation and transit in the city of Toronto. We have indicated to them that we're quite prepared to continue those discussions in the future. So I want it understood that those things are there and ongoing all the time and shouldn't be confused with the issue of strict property taxation issues in the city of Toronto or elsewhere.

I have heard and read some columnists talking about education in the city of Toronto and how somehow it's believed that money is leaving the city of Toronto and being spent elsewhere on education, that not all the money raised by education property taxes in the city is being spent here. Nothing could be further from the truth. As a matter of fact, the total of residential and business education taxes raised in the city of Toronto this year will be \$1.845 billion. The province is adding on top of that, as a grant to the Toronto boards of education—the four of them—\$1.06 billion for total education funding transferred to the four Toronto boards this year of \$2.9 billion.

As you can see, the \$1.845 billion raised by education property taxes in the city of Toronto is being supple-

mented by over a billion dollars of provincial grants that arguably, I guess, if you wanted to argue the other side of the coin, could have been collected anywhere. Perhaps the taxpayers in Sault St Marie are helping to educate young people in Toronto. I'm not saying that is wrong, but I want to be abundantly clear that there are not education property taxes being raised in the city of Toronto that are leaving the city to be spent elsewhere. That is simply, simply not true. Every penny, plus over a billion more, is being spent on education in the city of Toronto.

1600

Property taxation issues, as I said, are often complicated, but we are trying to make the system more equitable and more effective. We are trying to make it more fair for all Ontarians regardless of where they live; whether they're in a residential category or a business category, be it commercial or industrial. You cannot achieve complete equity overnight in a system that is six or seven decades out of whack in some cases. You just can't take a system that hasn't been reformed in a certain part of the province since 1940 or 1950, and in the year 2000 make it totally equitable without an awful lot of pain to an awful lot of people. We have chosen not to do that. We've been criticized in some quarters for not doing that.

We have achieved equity with respect to the residential side of the equation in terms of education taxes. We have the same education property tax rate for residences across the province—exactly the same rate. But we have not been able to achieve that yet—nor do we ever believe we could—overnight in the business education property taxes. That, depending on how far out of whack they were to start with, is a process that's going to go on in some parts of this province for many decades yet to come. That's just the simple reality. At 5% a year, if you were 50% out of whack, it's going to take you 10 years to get back to total equity. It's just that simple. But we've tried to do it in a way that acknowledges and recognizes the particular concerns of individual taxpayers and particular municipalities.

I understand the point that some members opposite make and some municipalities have made. I think—I know, not think—that in the last three and a half years we certainly have learned a lot on this side of the House, as the government, in dealing with municipalities and their particular needs and concerns. We have tried to be as responsive as we could be to many of their requests. Indeed, many of them have been quite ingenious at coming up with solutions to their own particular property tax problem.

We will continue to have that ongoing dialogue with each and every municipality in the province of Ontario as we go forward with the legislation. I'd be interested to hear if there are any substantial changes that members opposite or others can suggest that would improve the legislation. However, if you're going to go back and totally scrap the idea of changing the system to a current value system, to making it equitable for all Ontarians,

quite frankly we can't accept that. You simply cannot have a province, in my opinion and in the opinion of the members on this side of the House, where in one part of the province people are being taxed on 1940 or 1954 values and other parts of the province where people are being taxed—as the case was before we started this review—on 1992 values. That is simply not fair. You wouldn't do that in an income tax system. You wouldn't say that people in a particular municipality making the same amount of money only had to pay 5% tax on \$100,000 a year worth of income, but if they lived in a different municipality they'd have to pay at 50%. That's totally untenable, it's totally unfair, it's totally inequitable, and hence the change in the property tax system in the first place.

We made the commitment a year or a year and a half ago that we'd be back with actual caps to protect the small business owner in particular in the province as we went forward with business and property tax reform in the province of Ontario, and that is exactly what we're doing in Bill 140.

I would urge all members of the Legislature to support the legislation, obviously, that we have introduced today. We will continue to work with the city of Toronto and other municipalities that have unique problems across the province to try and address their concerns from time to time. But all the problems cannot be solved by property tax legislation.

The Acting Speaker (Mr Tony Martin): Further debate?

Mr Gerry Phillips (Scarborough-Agincourt): I am pleased to join in the debate on third reading on the property tax bill.

I want to make several points. The major problem with this bill is that it has a provision that if in a municipality your tax rates—residential tax rate to industrial, or residential tax rate to commercial, or residential tax rate to multi-residential—are above the provincial average, you cannot increase taxes on industrial or commercial or multi-residential. Here is what we in the Liberal caucus anticipate will be the problem. There is no doubt in our mind that the downloading of social assistance, social housing, transit and ambulance services on to property taxes is going to cause some severe problems for municipalities in the months ahead, or more likely in the next two years, particularly if we run into any kind of economic downturn. All of us certainly hope that does not happen, but if it did, it will cause us a problem.

This bill says that 100% of any tax increase must go on to single-family residential in those communities that are above the provincial average. The minister today in the Legislature said, "We don't anticipate any municipality having to increase taxes." I desperately wish that were the case, but I can anticipate—because I know the municipalities for the last 10 years have been cutting their expenditures. I think without exception across the province of Ontario that has been the case. By the way, the Provincial Auditor said that just taking over ambulance service is going to add \$100 million of extra costs, I think

he said, on to municipalities. They will have no choice but to put that on to the residential taxpayer.

This is not just a Toronto issue. It is the case in London, in Brockville, in Guelph, in Hamilton, in a huge number of communities. It also is a huge problem in communities with one industry, a mining town or a pulp mill, Mr Speaker, that you would be well familiar with. Look down the list of communities that now will not be able to put any increased taxes on to their local industry—it all has to go on to the municipality: Cobalt, Espanola, Iroquois Falls, Kapuskasing, Kirkland Lake, Longlac, Marathon, Red Lake, Red Rock, Smooth Rock, Terrace Bay. We all know the cyclical nature of some of these industries that go through good times and bad times. As soon as a slight economic downturn comes, those communities run into substantial challenges financially. None of them will be able to put any taxes on their industry; it all will have to go on to their single-family residential. We have not experienced this problem in the past to this extent because social assistance, social housing and ambulance service have never been on property taxes.

This is the fundamental flaw in the bill, and I understand where it came from. I know that the business community is very happy about it. The Canadian Federation of Independent Business, which does a great job on behalf of its members, is thrilled with the bill because it forces municipalities to put any increased taxes all on residential in many communities. The minister may say, "Municipalities aren't going to have to increase taxes." I will look forward, regretfully look forward, to the situation a year and two years down the road when municipalities have got an impossible decision. They have only one choice: they cut services or they put it all on residential property tax.

By the way, this isn't just for one year. What happens is that the average is calculated every year, so the average keeps going down, presumably, and the municipality has to keep putting more and more on their residential property tax. The province should be duly warned.

1610

I'm frankly disappointed that the municipalities have not raised their voices. I know the reason for that. This bill was introduced exactly two weeks ago, quietly on one afternoon—no statement in the Legislature. Municipalities are only now beginning to realize the problem they're going to face. So that is huge problem number one.

The government may say, "The solution is just don't raise taxes." I would say surely we are not going to leave the most vulnerable in our society—those who need help with housing, those who need help with social assistance in difficult times, those who need land ambulances—we're not going to abandon them. We tried, by the way. We recommended to the government that this bill go to a committee so that we could have a discussion on this. We said that we would ensure that the bill passed before we adjourned for Christmas but we thought it needed input.

The second thing I'd say is that the minister just in his remarks said that there are gross inequities built up over

the years and no one could live with them. I hope the business community appreciates that when they look at their property tax bill, over 50% of it is set by Mike Harris. When every business in the province gets its property tax bill, over half of it is set by Mike Harris and goes to education. I know businesses are often angry at the local municipality, but they should realize that Mike Harris sets well over half their tax bill.

What we see still, three years later—in Parry Sound, if you have a business valued at \$500,000, what taxes do you pay? You pay less than \$5,000. That's the Parry Sound tax. If you have that same business, an identical business, in Brockville, valued at \$500,000, the current market value assessment valued by the Ontario Property Assessment Corp—\$5,000 in Parry Sound; in Brockville, Mr Runciman's riding, it's \$22,000.

Ms Marilyn Mushinski (Scarborough Centre): They reduced it by \$130 million.

Mr Phillips: The member for Scarborough Centre is saying they've spent money. There is nothing in this bill to deal with the Brockville problem. I've been pointing that out for some time. There's nothing in the bill. There are some things that will help some of the communities, but for Brockville, no.

Ms Mushinski: Give them the tools.

Mr Phillips: The member said, "Give them the tools."

This is set by Mike Harris. He said he's not going to change it. He said that for the foreseeable future. There's nothing in this bill. Parry Sound will get \$5,000 taxes and Brockville will get \$22,000 taxes, and there's nothing in the bill to fix it. That is a second problem, and it will become more of an issue in the province when municipalities that are attempting to deal with the downloading—and by the way, on the downloading, this was done in spite of the fact that Dave Crombie and the Who Does What committee, hand-picked by Premier Harris, said, "Don't do it." That's the second issue.

The third issue is that in the communities we're dealing with there's substantial dislocation as a result of the reassessment process that went on, and that's going to cause some severe problems in communities where without anything really happening, no changes in service, their taxes are going up 20% or 25%.

We've said that we should be looking to our municipal partners for solutions in the Legislature that will help deal with this problem of 100% of the property taxes going on to single family residential in many communities. But the government, of course, is ramming this bill through. It will go from first reading to third reading in less than two weeks, with no public input, no opportunity for the public that are going to be affected by it to debate it, and I think it's unfortunate.

Ms Frances Lankin (Beaches-East York): I appreciate the opportunity to speak to this bill. I want to begin by expressing the premise from which my remarks will come. Some members may remember that when the government introduced this method of tax assessment, current value assessment, on behalf of the residents of my community I spoke out and clearly indicated to the

government the negative impact it would have most particularly on residential homeowners in the areas of Beaches and East York, and also, certainly at the time when the first assessment came through, a very negative impact on small business. That had to do with the nature of the volatility of the real estate marketplace.

You may remember that a few years ago the downtown core in the city of Toronto, many of the tall buildings that we have, the office buildings, had a lot of vacancies. There was a lot of empty space there. Over that period of time property values had dropped significantly for bank towers and large corporations that own those buildings. As a result, with this method of current value assessment based on the market value of the properties, we saw a huge drop in their assessments, and because they were in classes with other businesses, that got transferred over to small business. So there was an outcry from the small business community.

I thought it was interesting that when the minister was speaking he talked with some pride about how they introduced caps to mitigate against the effect on small business. It took an awful lot of work from this side of the House to get them to understand there was a problem and to take that step. He seemed to have forgotten that part of the history as he recited it to us here today.

The thing that wasn't talked about at that time, when all the fury was about what was happening with the transfer of business taxes from large, downtown bank towers and corporate office buildings to the small business owner, was what the continued volatility in the residential real estate market would mean for homeowners. This is the point that I raised at the time when current value assessment was being introduced, when market value assessment was being brought into this province.

I represent an area that is an older part of the city of Toronto. There are many family homes there that have been in the same family for a couple of generations now. There are many homes in the Beach area and in East York where seniors live and have lived there for 40 to 50 to 60 years. They find themselves now on a fixed income but living on a piece of property, not because of anything they're doing actively but because of the volatility of the market and because of the sometimes trendy nature of a community like the Beach, which is near the waterfront, and seeing their property value driven up when there is speculation or new development, new infill development going in, or something like the Greenwood racetrack development. They see their property values going up, but their income doesn't change. They're on a fixed income. They look at that and they understand that one way or another it does have an impact in its relationship to what their property taxes will be. They feared that at the time, and I think what we're seeing now gives good reason to look back and to understand that they were correct in those fears.

It's not just seniors. Families that are struggling to maintain the homes that they've invested so much in are feeling, when they receive their assessment notices, a real

shock about what has happened. You may not think it has a lot of impact, but in the last three years—and this new assessment period looks back over a three-year period—in Toronto the average residential rate has gone up by something like 22%. In the community I represent it has gone up by 34%, the increase in property values, the assessments. That's on average; certainly there are homes that have gone up more than that and some that have gone up less, but 34%. That's the highest in all of the city of Toronto.

I can tell you that we have many diverse neighbourhoods in our community, and the increase has affected all of them. There may be different stratas in terms of the value of the properties, where we start from, but all of them have seen a significant increase over that period of time.

1620

I can tell you that when the assessment notices came out, the phones started to ring. We were going to all-candidates meetings for the federal election at that point in time. I can tell you that people were coming up to all of the politicians at different levels afterwards, asking for an explanation of this and expressing a genuine concern when they saw the new assessment notices, with increases of 28%, 30%, 32%, 34% in property value assessment.

I want to bring this back to what the minister actually had to say about the bill. As he explained it, the bill he has introduced doesn't compel municipalities in any way to increase any taxes. He is correct, but in the real world, we have to look at what the impact of the government's legislation will be. The fact that we know there are municipalities—and let me talk about the one I know best, the city of Toronto, which I live in and which I represent a constituency in. We know that over the last three years city council has held to a zero tax increase. There has been no increase in the mill rate over the last three years. We know during that period of time there was much controversy about the provincial government's actions in terms of some services that they've switched down on to the municipal property tax while they've taken some things like education and brought them up to the provincial level. There is a real dispute as to the government's claim that that has been a revenue-neutral exercise.

Beyond that, there is a real dispute as to the level of savings from the process of amalgamation that the provincial government—and the minister today in question period read out a number of numbers that he attributes to reorganization. He didn't read out the list of additional costs that have come about as a result of amalgamation. Again, it's a bit of selective information-giving. There's a real dispute about that.

I think it's very hard for anyone to dispute that in a municipality the size of Toronto, with all of the growing and complex issues it is dealing with, having gone through amalgamation and realized whatever efficiencies there were to realize from that and having had a 0% tax increase for the last three years, there is tremendous

pressure on their budget to look at the issue of whether or not they need to increase the revenue flow to the city for the business they have to attend to over the next budget period.

That's a debate, as the minister points out, that will take place at city council. He's quite right. That budget will be set there and the provincial government has no direct ability to say there will be no increase or there will be an increase. They haven't passed a law to give themselves that ability. So the minister is correct on that front. But what he has done in this piece of legislation is say to the municipalities, "If you find yourself in a position that you must raise taxes, we're going to tell you where you can raise those municipal taxes from. We're going to tell you what segment of the property taxpaying community will be exempt from any increase you choose to have and what class of property taxpayers will have to bear the full burden of that." That's what this bill does.

In the city of Toronto, for example, the minister has said, "If the city feels a need to raise more revenue, you can't get it from business, from the commercial and industrial. You can't go there for it. By the way, you also can't go to multi-residential, the big apartment buildings. You can't go there. The only place you can go is to the homeowner. So if you find that you have to raise taxes, all of that will come from the residential property taxpayer."

The minister makes much of his statement, "Well, no municipality has to raise taxes." Again, I agree it's a decision that will be made at that level. He says, "We don't interfere with that. That's up to the municipality." Yet he's prepared to interfere to restrict the municipality's decision-making, if they should need to raise more revenue, about where they can raise that revenue from. He is dictating in this bill, in this law, that the residential property owners, the homeowners, have to pay the whole burden.

When you combine that with the level of increase in property values and the increased assessment in the community I'm talking about now, the city of Toronto, you see that the potential for a horrendous impact on local homeowners is just waiting around the corner. There is some indication that city council—and we'll find out what they decide, but in terms of the pressures they are facing, they are looking at potentially a 5% increase. That would translate into something like over 16% if it only applies to the residential property tax base. So you could see residential property owners having their taxes increased by 16% as a direct result of the rules contained in this piece of legislation.

I'm not alleging the provincial government is going to force a 16% increase on homeowners. What I'm telling you is that the rules they are forcing on the municipality give the municipality no option to go to commercial, industrial or multi-unit taxpayers; only to the home taxpayers.

The minister says that if the municipality is going to keep their budget flatlined, at the same level, and there is an average increase, let's say, of 22% in the property

assessment over this period, they could drop their mill rate by 22% and they would have the same revenue pool of money. That's true. Why doesn't he put that in the legislation, then? Why doesn't he ensure that the vagaries of his market value system are corrected in terms of a legislative guarantee that the first step in this process would be that where communities and municipalities have an increase in property value assessment, the mill rate would be decreased an equal amount? Then you would know what the base line is. Then it would be very clear to the taxpayers, when the municipalities looked at raising taxes because they wanted to increase the revenues for the work they do in the municipality, that if they were raising their budget by 5% and therefore taxes by 5%, that 5% should be borne by the whole community. And when it can't be because of the provincial government's legislation and the residential homeowners see a 16% tax increase on their bill in one year, it would be very clear where the finger would be pointed. It would be right here at Queen's Park, at Mike Harris, Ernie Eves and the Harris government.

But the government hasn't made those clear steps law and is not proposing to make it law within this bill. Instead, they continue the shell game with the words, "No municipality is compelled to. No municipality will have to. All we're doing is protecting small business. All we're doing is continuing the cap and extending the protection." That's the language they use. I have to laugh at the wizardry of the Orwellian doublespeak that goes on: "extending the protection." The other half of extending the protection is that they're dumping the burden on the residential homeowner.

In the community and the constituency I represent of Beaches-East York there are many families who will find it hard to maintain their home if they are faced with a 16% property tax increase. There are many families who do not have the financial ability to absorb that kind of increase, along with the increase in user fees that has gone on for municipal services, for recreation and other sorts of things, and the increased cost for services that are no longer provided. Again, I relate that to the down-loading by the provincial government to the municipal tax base of a whole range of social and health services, things that more rightly belong on the provincial income tax base. This government has chosen to do that yet they don't take responsibility for the impact that will have.

There's no doubt the minister is right when he says it is a complex system, and I think he counts on that. I think he counts on that to hide behind that complexity, to point to the municipalities and say, "They're the ones that have the control. It's all within their hands." I hope people see through that. I hope they understand that this bill says if there is any increase in taxation at the local municipal level for many municipalities in this province, it will only come at the entire expense of the residential homeowner. I think once people recognize and understand that, there will be a huge outcry. I expect that in my community. I saw the reaction when current value assessment was brought in. People understood what the impact down the

road would be. Well, we're down the road, the day is here and now they're going to see in real terms how the vagaries of the real estate market, the volatility of the real estate market and real estate values will play out in terms of their own taxation rate for municipal services.

1630

You could understand this at a point in time when municipal services were the hard services—the roads, the sewers, the water—and only that. You could understand if a municipality was doing something wrong, because those costs don't widely vary. But when you see a provincial government that has downloaded social assistance, social housing, public health, the demands in those areas do vary from time to time. There's much in our social fabric that has an impact on those services and the level of services that is needed to provide to our citizenry. That has now been put on to the residential tax base, along with a system of assessment that is completely subject to the volatility of the real estate market.

It's a recipe for disaster. That disaster, this time, is likely to be represented, depending on the budget decision taken at city hall, by up to a 16% increase to the residential homeowners in the community I represent. Current value assessment was bad law, market value is a bad way to go about determining how to collect property tax revenues, and this law compounds the problem.

There isn't a lot more I want to say with respect to it. I have made the key points that address the concerns of the residents in my community. I know those concerns are shared in community after community, whether it be Hamilton, Ottawa, Niagara or many of the northern communities—Dryden and others—where these restrictions on municipal decision-making have been applied or will be applied by this legislation.

I think the bottom line is we have seen a long succession of property tax bills from this government, creating problems, trying to fix them, trying to tinker at the edges, coming back, recognizing other problems. I suspect and I predict that there will be a firestorm when the true impact of this bill hits some time in the new year when the municipal budget is finally set. I believe we'll be back in this House with yet another bill from the Minister of Finance on property tax to fix the problem that he is initiating right now. I can only say that I hope that happens sooner rather than later and I hope it happens in a timely fashion to help ensure that the residents I represent and those in the other communities I have cited will not feel the full impact of the property tax increase this bill sets out for them.

Mr David Young (Willowdale): I'm pleased to be able to speak to this bill on third reading. I think it's important that we consider the comments made by all of the honourable members this afternoon before we decide how to vote on this particular piece of legislation; a very important piece of legislation that affects every property across this great province.

Some of my friends in their comments have acknowledged that property tax is a complicated matter that no one likes to deal with. Frankly, who wants to assess additional taxes? That's why our government has cut taxes

over and over again. That's why other levels of government are now getting the message and beginning to cut taxes, as we have done for many years.

It's important to understand just how serious and complicated this problem is, and in order to do that I think it's beneficial and illuminating to look back over the last number of decades at what has been done to identify this problem and what solutions have been offered by our predecessors.

There has been a rather extensive set of investigations into this particular dilemma, beginning in 1967. In that year, then-Premier Robarts, decided that property tax across this province needed reforming—the problems were numerous—and as a result he commissioned a report. After spending some time in the library over the last couple of days, I happened to find a copy of that report from our centennial year, 1967, all three volumes of it. It's a report that at the time was known as the Smith report. It said very clearly, "Province-wide reassessment of property to reflect current values is a must." This tax regime had to be reformed. The report went on to say, "This too will be a matter of some years"—speaking of the reformation that was necessary; this was going to take some years—"but is indispensable because existing assessments are completely outdated and inequitable." That was the situation in this province in 1967.

Mr Bart Maves (Niagara Falls): Some 33 ago.

Mr Young: Some 33 years ago, as my colleague correctly points out.

Ten years go by, and in 1977 the then-Premier Davis, commissioned yet another report. That report, the Report of the Commission on the Reform of Property Taxation in Ontario, came to very similar conclusions. In essence, the property tax system in this province was broken. It needed to be fixed and it needed to be fixed forthwith. But for various reasons there was no direct action on that front to reform this system. I want to say that it wasn't because the politicians of the day didn't understand what needed to be done. It wasn't because the problem was getting any better in and of itself. It was because it was going to be extremely difficult and complicated and time-consuming to repair this antiquated process.

The Liberal government, to their credit, shortly after taking office in 1985—this is the government of Premier Peterson—identified this problem forthwith. There was absolutely no doubt in their minds that something needed to be done and within approximately four months of taking office, Premier Peterson commissioned another report. I have that report here as well, titled *Taxing Matters: An Assessment of the Practice of Property Taxation in Ontario*. It ultimately was provided to the then Minister of Revenue, the Honourable Robert Nixon, and Treasurer of Ontario, as he was then. It was presented to him in October 1985 and it said a great deal. It was known as the Goyette report. It said the following, and I quote, if I may, from the Goyette report:

"Assessment practice must proceed to an end-state where similar properties are consistently assessed in a similar manner.

"The property taxpayer should be provided with an improved level of understanding as to the purposes and functioning of the tax."

There is a cry there, a plea for transparency, for uniformity.

The Goyette report went on to comment specifically about the city of Toronto—the municipality of Metropolitan Toronto at the time—and said as follows: "The absence of a reassessment program in Metropolitan Toronto constitutes a significant deficit in the advancement of property assessment reform in Ontario."

The problem was once again highlighted at that time by the Liberal government of the day. They had a report that was in excess of 180 pages. It talked about the problem in some detail and about what solutions were necessary. And what was done with the report? It was shelved; no action whatsoever.

Unfortunately, there was very little to report by way of advancement to correct this problem over the next decade or so. It wasn't until the last few months in office of the Rae NDP government that they decided to take some action, albeit was only the commissioning of yet another report to say essentially the same thing: that the property tax system in this province was broken, that it was antiquated, that it simply didn't work, that it was unfair to have the same property on the same or similar streets in the same municipality paying markedly different taxes. It just didn't make sense. It didn't make sense to anyone who was prepared to realistically and reasonably evaluate the system. Was it getting better? No, it was getting worse. It was festering. In some places like Metropolitan Toronto it had festered over a period of six decades.

1640

When we took office we studied this, albeit relatively briefly, by reason of the extensive consultation and studies that had taken place before. We moved expeditiously. We realized that was the only way this long-standing problem was ever going to be corrected. In December 1997 the Who Does What report came out, and shortly thereafter we moved forward with the reforms that were required. As the reports that date back three or four decades clearly indicated, this wasn't going to be a quick fix, this was going to take some time.

I know my friends on the other side think it's cute and smart for them to talk about the fact that this isn't the first and this isn't the second bill we have brought forward to reform the taxation system, but I would invite them to look back at what the reports commissioned by their own parties had said over the years. It was clearly acknowledged by the experts at that time that this was going to be a long process, that this couldn't happen overnight without essentially shutting down this province, bankrupting this province, putting small businesses out of work, putting homeowners out of their homes. So we have embarked upon what is a complicated and long journey, but a journey that to any independent observer is a fair one.

As we examine the situation today, I would also ask the members of this assembly also to consider what the

situation was before we began this reformation. We all, I think, in this Legislature would like to see the continuation of zero tax increases. That's what we've had in 85% of the municipalities across this province over the last three years, essentially since our reforms came in. We've had zero tax increases and we'd like to see that continue.

It's important also to look at what was going on in terms of municipal property tax in the decade before we took office. In the city of Toronto, with which I am most familiar, it's important to remember that on a fairly regular basis, for a number of reasons, some of them good and some of them not so good, we saw increases in municipal property tax that averaged, by my calculation, in the neighbourhood of about 8% per annum. Some of that was municipal education taxation, some of it was taxes that emanated from the municipality of Metropolitan Toronto, and some of it was from the six cities that fit within the borders of Metropolitan Toronto. In some years it was double-digit increases, but in most years it averaged in the neighbourhood of about 8%.

As we sit here this afternoon and talk about what might be an unfortunate and I think unnecessary and unlikely result, that we will have the sort of tax increases my friends across discuss, let's remember that was the case when the NDP was the government of this province and when the Liberals were the government. There really was no hope in sight. It happened every year. Municipal property taxpayers saw large tax increases: 5%, 6%, 7%, 8%, 9%, 10% a year. We expected that. At least now we are in a situation, in a position where there is a hope, I think a probability, that for most of Ontario we will be able to continue the zero tax increases that have been applied—essentially no tax increase that has been applied—since we took office and since these new reforms came in.

I know a number of my friends wish to speak to this bill and I'm going to try to limit my remarks, but I think it's important also to talk about one aspect of this legislation that has not received enough attention. I credit my colleague from Beaches-East York for referencing it. Regardless of party affiliation, I think you're the only one who has so far. It relates to multi-unit residential, multi-residential buildings.

They are protected in this legislation from further tax increases in the same way that other categories, other types of properties, other taxpayers who are paying too much tax today are protected. If this legislation passes, and I'm hopeful it will, tenants across Ontario should be very pleased, because they will see a cap, a limit, on any potential tax increases. Right now in the city of Toronto, since that seems to be the focus of our debate over the last short while, tenants are paying about six times as much tax as homeowners who may have a property just down the way, who receive essentially the same services, arguably receive more services.

It seems to me there must be some attention to the fact that what we are doing is trying to redress that situation, a situation that other governments, Liberal and NDP, were prepared to tolerate and allowed to continue. Let's

be very clear about what they allowed to continue. They allowed municipalities year after year to continue to tax apartment buildings, tenants, because it's passed on to the tenant, at an exorbitant rate.

What has that meant? The most evident and most obvious and most painful result of that was that tenants had to lay out more money each and every month for their rent. That was all right with my friends opposite. The Liberals and the NDP thought that was OK, because it would have been very complicated for them to change it and they didn't want to do so.

What's more important in the long run is that this has discouraged the construction of new multi-unit residences across this province. Why would a builder embark upon a multi-million dollar project that was going to attract six times as much tax—that would be an apartment building—if they could expend essentially the same amount of money and build a condominium and pay that much less in taxation and have the unit-holders who ultimately occupy those premises pay that much less in taxation. There is no reason for them to build apartment buildings that pay six times as much in tax as compared to condominiums.

They have considered that fact very carefully and that is undoubtedly one of the reasons we have so many condominiums being constructed in Toronto and across the province, and not as many units for rent as we would like. This bill not only will help to redress some immediate problems for tenants, but it will provide some long-term solutions for those who are renting and will be renting in the future in this province.

I promised my friend from Scarborough Centre that I would leave her some time, and as I look at the clock, I've left very little and I apologize for that, but I will sit down. Thank you for this opportunity.

The Speaker: The member for Scarborough Centre.

Applause.

The Speaker: Sorry, the member for Toronto Centre-Rosedale.

Mr George Smitherman (Toronto Centre-Rosedale): That's OK, Speaker. You gave me an opportunity to think they were clapping for me.

For anyone who might be watching at home, I want to draw one point in sharp contrast before I launch into my remarks. The member opposite, the member for Willowdale, used the word "large" in reference to the prospect of 5% and higher increases in taxes for municipal property taxpayers in Toronto over a 10-year period. You really must wonder what he would call 42%, the level of pay increase that his boss, the Premier, proposed for members of the Legislature. I think that draws into sharp contrast what's going on there. If large is 5%, then 42% obviously is nothing less than grotesque.

I'm pleased to have an opportunity to put on the record the concerns I have as a member representing communities in my riding that are at considerable risk as a result of the legislation that is before us. The member somewhat defensively says, "Well, it's a complex thing and we've got to keep working at it," to defend the fact that this is the government's ninth try at this.

I think Bill 140 should be called, "Now that the election is over, let's really sock it to them." A lot of constituents in my riding have assessment notices on their doorsteps and on their kitchen counters and on their dining room tables that indicate a level of assessment that has gone up by such extraordinary numbers, in large measure because the numbers that were done last time were artificially suppressed. It's my assertion that they were artificially suppressed with a desire to try and help re-elect Al Leach and Isabel Bassett. That's just one more example of failed policy and it is a cruel joke played on people who are experiencing this extraordinary hardship of assessment increases that I have heard of, up to 80%.

1650

I want to talk about some of the greatest communities in the city of Toronto, desirable places to live, like Rosedale and Cabbagetown. I know that conjures up in the mind's eye of many people these images of the endless capacity to pay bigger bills, but I have heard too many horror stories in the last few weeks from constituents of mine, people who will be forced to move from these properties because their capacity to pay is limited. This is the capital gains tax that is assessed before you sell your property, and the government over there is going to say, "We've given the city a toolbox and they can deal with hardship cases and put aside these costs." But the real shoe that has yet to drop is related to the fact that the city of Toronto is facing a budgetary shortfall and that these same homeowners are going to be expected to pay the entire brunt of those increased taxes. I don't know what those numbers are, and I don't want to scaremonger, but if anything close to the forecast \$160-million shortfall is the reality for the budgetary season for the city of Toronto in the next two or three months, I want to say to homeowners who are watching, be ready to be socked, because that's what this bill is all about.

Current assessments are a cruel irony, and they're a cruel irony in a really significant way, which is that these same neighbourhoods, these desirable neighbourhoods, are suffering through the greatest decline in city services as a result of the government's policies with respect to amalgamation and downloading. The old city of Toronto, the former city of Toronto, has seen in almost every area significant declines in the level and quality of services offered by the city government. We have delays with respect to planners and a real loss of a sense of community planning, the inability of planners to speak to one another as they used to. We see poor enforcement of building regulations which were designed to protect residents, resident associations and individuals from all manner of concerns. I've seen, in the bottom end of my riding, an extraordinary decline in hardship paid by lower-income individuals who are challenged now by diminished recreation services. This is a real challenge that the government's own policies have contributed to.

Yesterday I heard a frightening thing. As members will know, firefighters came to visit and to discuss with us some of the concerns they have. I learned a shocking

situation, keeping in mind that I have more residents in my riding who live in apartment buildings: 79% of my riding is tenanted. The fire service told a frightening story. It is a story of a decline in the number of fire-fighters in the old city of Toronto that means that aerial trucks are almost exclusively out of service. This is in sharp contrast to the days before amalgamation, and it bears an eerie resemblance to this government's policies that have resulted in critical care bypass, which in the history of this place in the last 10 or 15 years was an occasional occurrence. It is now an entrenched reality; it is an almost everyday occurrence at almost all of the emergency wards in the city of Toronto, and now we see that the same thing is happening with respect to our fire service.

Other policies of this government have contributed as well to the risk that is being borne by my constituents with respect to fire service, and that is this ability on the part of the fire service to simply designate people as exempt from the union. We see bigger and bigger bureaucracies as a result of amalgamation, and fewer firefighting personnel in my community. A million people are in my riding on a daily basis, and they are put at risk by this government's policies.

I said earlier that this worked to be like a capital gains tax for people who are holding their properties now, because of course they're asked, even though they can't sell the asset, to pay the price for it. As a result of that, there are extraordinary hardship cases, where people may possess real estate in desirable neighbourhoods but they're not necessarily in possession of the capacity to pay the increased tax bill that comes with it. The government opposite offers that they have provided to the city of Toronto a toolbox, an opportunity for them to defer those taxes. It would be interesting, wouldn't it, if the province of Ontario came up with a tax deferral policy for hardship cases of taxpayers who are having a difficult time meeting their tax obligations in Ontario? But we don't see that, and the reason we don't see that is because no government wants to put itself in a position where it is expected to defer the payment of those things, yet this government claims it has provided the capacity to deal with hardship cases and to pass on to the municipalities the capacity to do that.

But it misses the point, doesn't it? The point it misses is this: the city of Toronto is facing a cash shortfall. That means they will have to raise taxes, which speaks to a problem, doesn't it? It speaks to a problem in terms of being able to defer taxes. I say to the province, which wants to be so helpful in these hardship cases, who doesn't want to see the handyman who lives in Cabbagetown, whose home was passed down to him from his family and who now finds himself in the midst of a community which has seen extraordinary increases in assessment and where he's facing an even larger tax bill—they don't offer any capacity really to help.

I say to them, the province of Ontario is demanding repayment of loans from the city of Toronto. I suggest the province look at a loan fund, look at a way to allow the city of Toronto to use those loan funds to pay for the

hardship cases, to set aside funds that will truly enable them to assist those people who are put in a position where they are forced to sell their houses.

I don't think gentrification is a bad thing. It occurs in many parts of my riding, where neighbourhoods that were once challenged go through a spate of renovations and people who are of a higher income move in. But I have concern, and I work for the people who are being dislodged from that, and I want to work to protect the historical nature of my communities. The historical nature of my communities includes a range of incomes; not these vast territories of home after home where only the rich can afford to live, but mixed-income communities, which are the best communities in my riding, communities like Cabbagetown, which has an extraordinary breadth of incomes within it. That is in decline, and that is put at risk by this bill because this bill will force people who have been struggling to hang on in Cabbagetown to move. It's wrong for that reason.

Today I heard a case of a woman who owns as really her only asset a house that has been converted into two or three residential units in Rosedale. She feels as though she's hung on to this house as long as she can, and she'll be forced to sell it as a result.

What will occur? When people think of Rosedale they think of million-dollar mansions, and there are certainly many of those. I'm proud to have them and proud to represent them, but Rosedale is also home to many tenants. When that house is sold, will those three units be converted into one? Will an owner buy that house and will those tenants be dislodged? I think so. We'll see the further loss of residential tenancy units, and we will see the further decline in the capacity of lower-income and middle-income individuals to animate the great neighbourhoods of the downtown. Will those neighbourhoods that are being struck with such huge assessments become a place where only the truly very rich can live? What is the cost of that? I ask that of the government. When they talk about their toolbox, let's think of a way to give meaningful tools to the city of Toronto, if you're unwilling to do it on your own part, to allow them to offer actual relief from hardship.

This is about downloading. I want to say again to people who are watching at home, in a couple of months the city of Toronto is going to have a debate about its budget. They're forecasting at the moment a \$160-million shortfall. When you take that \$160-million shortfall and apply it only to the single-family dwelling, what will be the impact? That is spreading an extraordinary cost over a narrow base, and the impact runs the risk of having tax increases that will be into the double digits. I think we all recognize that's inappropriate at this time.

We heard the member from Willowdale talking as if tax cutting originated here. I had the opportunity to work for a former mayor of the city of Toronto, who was elected before this government came to office, who had been part of a city of Toronto council that in the early 1990s had already cut taxes. But we only hear the members opposite claiming that.

The last thing I want to say is there's an extraordinary risk, that is exacerbated by this bill, to the single-family homeowner with respect to the prospect of economic downturn. So many costs have been pushed down to the property taxpayer that in an environment of economic downturn these costs, again, will be borne by a very narrow portion of the single-family homeowner and property taxpayer.

1700

The Minister of Finance was here and graced us with his presence and made a rare presentation with respect to all of the commitments that the government opposite has made to transit, but the interesting thing was, the last year that he could find where they've done anything was two years ago. Nothing here deals with the fact that gridlock is at play. The 905 and parts of the city of Toronto are being caught in the grip of this extraordinary gridlock. This government continues to suggest that the property taxpayer is the only one who can make these needed, necessary, desperately required investments in our public transportation system.

It's a bad bill and I will be honoured, on behalf of my constituents, to vote against it.

Ms Mushinski: I have particular pleasure in joining the debate this afternoon on Bill 140, third reading of the property tax bill.

I'd like to start off by putting this in the context of my service on a municipal council. As many of you in this House know, I served on a municipal council in Scarborough for 12 years and, as Charles Dickens described in *A Tale of Two Cities*, they were the best of times and I have to say they were also the worst of times.

You see, as in *A Tale of Two Cities*, during those turbulent years when I served on that council, there were actually two realities. There was the then city of Toronto, and there were the suburbs, like Scarborough, Etobicoke and North York. I guess the irony of those years when I was serving on council was that it was actually the poor who were subsidizing the rich. We've heard this story before.

For 10 out of the 12 years that I served on Scarborough council, this province was represented by, first, Liberal and then NDP governments which ignored the pleas of thousands of hard-working Scarborough homeowners time and time again. In fact, it was like living in the Land of Oz. Both governments were so busy searching for a brain that they forgot they needed the heart and the courage to implement a system that was fair to everyone.

The Cowardly Lion didn't need to go to the Wizard of Oz for courage, he should have gone and visited Ernie Eves, because it was Ernie Eves and this government that had the courage to reform the property tax system, a system that was so grossly out of date it was, as a result, the most extremely unfair system in Canada. Many taxpayers in similar situations were paying very different property taxes and facing whopping increases. I guess I don't need to remind members of this House of the

thousands upon thousands of appeals to an unfair property tax system.

In 1998, Bill 79 implemented measures that would protect businesses in Ontario from large property increases, giving municipalities the tools necessary to implement property tax reform in a fair and manageable way, limiting reform-related increases through 10%, 5% and 5% caps until the end of 2000.

It's interesting because I can recall going back to those days when a very courageous Metro council—and I see Mr Colle is here in the House this afternoon—also attempted to deal with the unfairness of the system and they too came up with different formulae to protect the impact of taking an extremely unfair system and making it fair and the impact that would have on businesses across Toronto, including those in rich, wealthy downtown Toronto.

The government has made a commitment to maintain limits on reform-related business property tax increases beyond 2000, until tax fairness is fully achieved. I don't think that's unreasonable. In fact, again, I would suggest that it was Metro Toronto council that asked us to do that.

We're introducing legislation today that, if passed by the Legislature, will implement that commitment to continue limits on reform-related tax increases and to enable municipalities to use a range of tools to achieve the limits on tax increases. Mr Eves is being fair and reasonable.

The proposed legislation will continue our ongoing commitment to restore fairness to the property tax system, not in one day, but over a manageable period of time and through a system that respects the needs and concerns of all Ontario stakeholders.

After consultation with relevant stakeholders, including the Association of Municipalities of Ontario and the Canadian Federation of Independent Business, we would be providing municipalities with simplified tools to enable them to meet the limits. If passed by the Legislature, the Continued Protection for Property Taxpayers Act would implement the following measures for 2001. It would require municipalities to limit the reform-related tax increases on commercial, industrial and multi-residential properties to 5% per year; it would give Toronto the option of maintaining its current limit of 2.5% per year; it would enable municipalities to use a range of tools to achieve the limits on tax increases; it would require landlords to maintain limits on tax increases for business tenants where the limits were previously applied; it would continue to protect low-income senior and disabled homeowners, and it would continue to protect charities through mandatory rebate programs.

This act would also implement a new real-time approach to the taxation of vacant business properties, new treatments for power dams, and it would make various technical amendments to the Assessment Act.

Mr Speaker, Mr Eves has brought in an act that will serve the interests of all stakeholders in this province.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: I ask for unanimous consent to add five minutes of the NDP's time to our caucus time.

The Speaker: Is there unanimous consent? Agreed. The member for Eglinton-Lawrence.

Mr Mike Colle (Eglinton-Lawrence): I listened attentively to my colleague from Scarborough Centre; I think she does make a lot of sense. I just want to say, to her comments and to others, that these changes are taking place in property taxation. Some of the changes, I say, maybe I agree with. The problem is there are a number of them which I think are going in the wrong direction, and the frustration I have and that a lot of people who follow this debate have is that this government stubbornly refuses to listen to advice. This is a very complex issue, it's a very convoluted area, and if you read the act—I mean, you probably have to have about 10 Bay Street lawyers and a high pile of regulations and another piece of legislation to understand this act. It is gobbledegook, for the most part. Listen to this paragraph:

“Paragraph 1 of subsection 257.2.1(3) of the Act, as enacted by the Statutes of Ontario, 1998, chapter 3, section 34 and amended by 1998, chapter 33, section 40, and paragraphs 2 and 3 of subsection 257.2.1 (3) of the act, as enacted by the Statutes of Ontario, 1998, chapter 3, section 34, are repealed and the following substituted”—here's what's substituted and it's really meaningful now:

“1. Without limiting what a regulation may provide for, the regulations may provide for any matter provided under sections 372.2, 373, 442.1, 442.2 and 444.1 and under Part XXII.3 of the Municipal Act.”

1710

When legislation is too complicated, it is not good legislation, especially in the area of taxation, because the only people who benefit are tax lawyers and tax consultants.

This is, as you know, the eighth piece of legislation we've had in this area. People in the business of property taxation have called this the property tax consultants' and property tax lawyers' pension and annuity act. This is going to make tax lawyers rich all over Ontario. Tax consultants are going to become rich as a result—no, they're already enriched by the previous seven acts. This government keeps repeating these acts because they don't stop to take advice.

The last time they didn't take advice probably from the most knowledgeable group in this area, and that was the Association of Municipal Clerks and Treasurers of Ontario. They're the ones who make up the tax bills in all the municipalities; they're the ones who have to basically come up with the bottom lines and come up with the tax bill you get at home. Last time, before they passed the seventh act, they said, “Stop and take our advice.” The government didn't take it. They said, “If you don't take our advice, you'll have to pass another act.” So here we are with Bill 140. Again they have not taken the advice of the same body of professionals. The Association of Municipal Clerks and Treasurers of Ontario has not been listened to again by this government so, guaranteed, we will be back in this Legislature in a year or two with bill

number nine in this area, making more tax lawyers wealthier, more tax consultants wealthier.

Some of the suggestions we're trying to make on this side would help make the system fairer and more rational. A lot of people who live in the suburbs or in areas where there isn't much fluctuation don't really care about this issue, and they don't really care about the fact that there's no debate and there are no public hearings, but it is important to have some dialogue on this. Sadly, there will be no public discussion allowed on this debate.

One of the things that people keep suggesting is, you have to understand that in certain parts of older cities like the city of Toronto there are areas in the downtown core—they're south of Bloor; they're in High Park; they're in Cabbagetown. In some of these homes there are people on very limited fixed incomes—pensioners, people who are essentially living just above the poverty line. Maybe they have inherited the home and lived in it for 40 or 50 years and now all of a sudden they'll see their property tax increase dramatically. It's nothing they've done. They are not the wealthy. I know the member for Scarborough Centre was talking about the wealthy. There are a lot of working poor people who live in these areas who are going to be hit hard. There's no provision in this bill to help them, so they're stuck, like I said.

I mentioned before that there's a small bungalow—the member from Pembroke probably can't believe this—on Melrose Avenue in Toronto that's 700 square feet. In 1996 it had a valuation of \$190,000. They got their property tax assessment last week, and this 700-square-foot bungalow—it's about the size of the Speaker's chair there—do you know what the assessed value of it is going to be? It's \$301,000. That's the new assessed value, an over 60% increase in the assessed value of a 700-square-foot bungalow. Can you imagine in Pembroke having 700 square feet of anything that was valued at \$300,000? So this person and the person next to him, who's a pensioner, now have to pay taxes on a piece of property that they're saying is worth \$300,000. She has no recourse; she cannot pay this kind of increase. The only recourse she has is that this government has a back-door provision whereby the provincial government allows municipalities to defer their taxes.

When you defer the taxes, what that means in essence is that you put a lien on your property. So a pensioner who has worked for 40 years to pay off a mortgage will now be asked to put back a mortgage on their property. That's why in the city of Toronto, where there are over 500,000 properties, less than 0.3% ever use the deferral method. Fewer than 0.3% out of 530,000 properties take up this deferral method. So there is nothing in here to help people who happen to be stuck in a tony, trendy area of the city of Toronto or other places in the province.

Another thing that really aggravates people where I live in my riding of Eglinton-Lawrence is that this act, like the other seven acts, is punitive. I know the Minister of Municipal Affairs doesn't care about this, but I have a lot of poor working people who get a little beat-up

bungalow, a little beat-up house, and fix it up with their own bare hands. They lay bricks, they lay cement floors, they lay ceramic, they put in new bathrooms and they put in new kitchens, and you know what? The provincial government, instead of rewarding this poor working man and woman, comes along and whacks that homeowner, that couple, for fixing up their house. They get reassessed and they get another tax because they had the audacity to spend money on fixing up a bathroom or kitchen, putting in ceramic and improving the neighbourhood. What does this government do? It penalizes people for improving the neighbourhood, and that's what so wrong about this kind of legislation. Nowhere in the western world is this kind of punitive legislation in place. Only in Ontario do we punish people for fixing up their homes.

There was a case on Mount Pleasant where a person added \$150,000 in renovations. As soon as the renovations are finished, the tax assessor knocks on the door and says, "We're going to get you." Instead of saying, "Thanks for putting money back into the economy, thanks for improving the neighbourhood," the provincial government says, "We're going to whack you with more taxes." They already paid provincial sales tax. They already paid GST on the building materials. They already paid the architect, the labourers. What this government does is, it penalizes people for upgrading and improving neighbourhoods.

No government, I don't care whether it's federal or provincial, has ever invested in urban renewal in this country. Urban renewal in downtown Toronto has been done by individuals. People with their blood, sweat and tears have improved areas like Parkdale, Cabbagetown, the Beach, High Park, and they've done it without government help.

Instead of giving help, do you know what the government of Ontario does for urban renewal when you fix up an old, dilapidated, 18-foot-frontage house in Parkdale? Well, Mr Eves comes along and says, "You dirty so and so. How dare you fix up your house. We're going to tax you more because you fixed up your house." That is disgusting. That is not a fair way of treating people who have rolled up their sleeves and come from all over the world to renovate, restore and rejuvenate our inner city. This government has the gall to punish them with higher taxes because they did what the government wouldn't do; that is, improve neighbourhoods.

This is why I am against this type of legislation. It punishes those people who pay their taxes and improve their houses. That's what's wrong with Bill 140 and the other seven that came before it and the other 10 that will come after it.

Mr Gerard Kennedy (Parkdale-High Park): There is no question that everything my colleague has just said applies. Sometimes there is ambiguity in the bill, but there's no question that this bill—the eighth time this government has had to fix its own mess—doesn't really put in place the fundamental fairness that people have a right to expect when it comes to their property tax.

Earlier we had the treasurer of the province, the Minister of Finance, trying to address what the point of

this was in the first place, eight bills ago, eight efforts to try and fix previous messes. He tried to address the trade-off for schools. Where is Toronto today? We have not only what my colleague was talking about, but what you're going to return to is more hardship in our communities, more uncertainty on the part of seniors and people in modest-income families who have helped to maintain and rejuvenate communities. That's been delivered by the seven previous bills and it stands to be exacerbated by the others. But we have lost a huge amount of the funding for the schools in those selfsame neighbourhoods. The trade-off, in other words, that was supposed to benefit us has beggared many parts of our city, especially here in Toronto, in both ways. In other words, we've lost at both ends.

1720

The Minister of Finance stood here today and said, "We now put money into the schools," but what they actually did is put 18% less dollars into the schools in Toronto than they did a short five years ago. So the people in the inner city of Toronto, which has struggled to sustain a quality of life you can't find in most American cities and it's done that without an understanding provincial government, have now had their schools attacked as well. There is no win in this trade-off, in this concept put forward by the government.

We have today on the part of people living in Bloor West, Parkdale and the Junction area of Toronto, in what's sometimes called the King George area, this unfair impact. What they need to know is yes, the assessment is based on what this government originally said they would never bring in—market value assessment. It's being assessed in a way that leaves no responsibility with this government to ameliorate its worst effects and instead is visited all upon the cities and, as some of my other colleagues have already mentioned, cities that are about to have to pay the bill, that are about to see the cost of the download being visited upon them as we get social housing and ambulance added, on top of social assistance and a range of other things that now rest on the property tax.

We see these people being subject to an effective boomerang. Before this government brought this eighth piece of miserable legislation in front of us, this eighth admission of failure on the part of this government, they should have and could have addressed the whipsaw effect they're having on properties that exist in the inner city of Toronto, and not the part of the city they're talking about. I defy the people who would say that it's wealthy people who have been benefiting from lower taxes to see the people in Parkdale or in the Junction or in the King George area who are just trying to sustain a basic quality of life for themselves and their communities and to say how they are disproportionately benefiting in any way. This is a reverse penalty imposed on them by the government because the government doesn't concern themselves with the whiplash effect of what happens when taxes increase and market values may, at some future date, come down, or if you find yourself caught in a

speculative bubble, when you find yourself without the protection the government has all along said they were going to provide.

The people sitting opposite aren't concerning themselves with this, but it is a fundamental issue of fairness. What about smaller renters who don't fit the multi-residential fit, which is probably about 20% or 25% of the people in my riding? They're not protected. The Minister of Municipal Affairs sits opposite and he has got a bill that previously allowed all the taxes to be visited upon those renters. So while some renters may find themselves protected, along with businesses, the small renters in small buildings will not be.

We see the deferral section is not protecting seniors. Why? Because the municipalities have seen it necessary to charge high interest rates so that seniors who have worked their whole lives to live in these neighbourhoods, again have provided the groundedness of these neighbourhoods, have seen themselves hit with \$80,000 or \$90,000 increases in assessment and are exposed to tax increases of 20% to 40% to 50%. It's simply not fair. It should have been addressed in this bill. This is the one opportunity. Instead, the government is slamming this through without adequate consultation, without letting homeowners make their case in a way that would allow for the flexibility to be built into any bill that would purport itself to be a fix, to be furthering fairness. Instead, this disadvantages the people of Toronto and the people of my riding, not just in some ways, but in all ways.

Mr James J. Bradley (St Catharines): I am addressing now what is in effect the eighth property tax bill in three years from this government. On seven previous occasions, they have not been able to get it right. They've annoyed a lot of people in this province. They've had mistakes in the legislation. Here comes the eighth try at it. Everyone always hopes it's going to do the job, but if you look at the provisions of the legislation, it will have in some areas some positive effects, but in some other areas, very detrimental effects.

Obviously, they wanted to get this bill through, the government did, while the federal election was on. People were paying attention to the federal election instead of matters happening in this Legislature, and they were unable to do that. But here we are this afternoon, on a Thursday afternoon, dealing with that matter.

I want to tell you that people in the regional municipality of Niagara are unhappy. I don't know if it's a unique circumstance, but the regional municipality of Niagara, as a government, put together a committee of people. There are people from the multi-residential sector, the small business sector, perhaps the larger corporations or industrial people, single-family residential. This committee got together and did a lot of hard work on how to phase in the tax changes. They recognized that there was a move to market value assessment, and whether some people liked it or not, they were prepared to move forward with that. They came up with their own local formula that was as fair as you could probably get

for people at the local level. Their problem is they feel stifled by the fact that the provincial government has not provided enough flexibility in the past for them to invoke their own formula. Again, it's a tough job when you're changing the level of assessment on any particular property, but they were working very hard toward that.

They're doing it in the context of a download, a net download of \$18 million in additional costs to the local municipality. What has that meant? The choices have been that they would have to raise municipal property taxes or cut essential services at the local level or impose user fees. User fees, as we know, are OK for the very wealthy in our society. They are hardest on the people who are just making ends meet. For instance, children who are from families of a very modest income don't have a chance to play hockey, as our Speaker did. Our Speaker, by the way, was a renowned hockey player in his day, a professional goaltender. I'm told he's still very good. But he would know. He saw people in his era of hockey as he came up who were not wealthy kids but who got a chance to play hockey because the price was down. What he and I would find shocking now is the price of enrolment or registration today even for children in what we would call house leagues. That's just one example. It makes it very difficult.

The Minister of Municipal Affairs says he's going to have a report card on municipalities. The great emphasis of course is going to be on, how are you cutting costs? How many services can you privatize to bring the costs down? Now he shakes his head no, but we know that is the secret agenda of this government. Just as his party federally, the Alliance, had a hidden agenda, obviously he has a hidden agenda. But he does have the book by Dr Andrew Sancton. It's called *Merger Mania*. So there is hope for the Minister of Municipal Affairs when he has that. I want to compliment him on keeping his nose out of Niagara in terms of forced amalgamation in that area to this point in time.

I can tell you that this bill is not going to solve the problems that we have in terms of assessment. There are many people who want to appeal their assessment, and now the provincial government—Pontius Pilate disguised as the Minister of Finance and revenue has gotten out the bowl and the water and has washed his hands of assessment. He says, "Oh, don't see me about it. It's a local corporation run by the municipalities." May I assure the government that the chickens will come home to roost with the government of Ontario and not with those local municipalities.

I want my friend from Pembroke to talk about some of the issues in his area.

Mr Conway: I just want to take a few moments to make a couple of comments, one of which has to do with the changed treatment of hydroelectric power dams in this bill. I regret that my friend the Minister of Finance is not here; I know he's busy with other things. My question for him tonight on third reading was going to be, what is the value to the Ontario government of that change, a change which I understand and support from

the point of view of a public policy. But we are giving the Ontario government a huge financial benefit with that change at a time when, because of decontrol occasioned by Bill 35, the Ontario government is going to have to sell substantial amounts of its very rich hydroelectric portfolio.

I had said on an earlier occasion in this debate that my concern about Bill 140 is that the Legislature only got the bill after it had been worked up and worked over by very well-financed special interest lobbies downtown. This bill was undoubtedly written downtown by lawyers working for powerful financial and commercial interests in the province. Only after they were finished preparing it did this Legislature get it.

I refer to the change in the property tax treatment of the hydroelectric dams simply as an example of where, in this case, an owner, the Ontario government—we own and operate something like 69 hydroelectric stations in the province, producing nearly 7,200 megawatts of very valuable electricity.

With Bill 140, as I said earlier, for good public policy purposes, we are changing the tax treatment of that very valuable asset at the very time when under other legislative requirements we are going to be forced to sell a very substantial portion of that portfolio. There's no question that is going to have a very real and beneficial effect on the owner, the Ontario government. My question to the Minister of Finance is, what is the value of that change to the Ontario government as the principal and only shareholder at Ontario Power Gen?

The second point I want to make has to do with communities in my part of southeastern Ontario. When I look at my home city of Pembroke, and at places like Smiths Falls and Brockville, I think about what is going to happen to them as a result of Bill 140 and the capping provisions that, as I understand it, are going to be applied because of the so-called transitional ratios. If you are above the provincial averages, you are not going to be able, as a municipality, to increase any of the tax burden on the industrial and commercial sectors of your local population.

In places like Pembroke, where I live, we have a relatively stable and not particularly strong property tax base in terms of our industrial and commercial sectors. It probably is true that over the decades there has been an undue burden placed on those sectors. But as a result of

Bill 140, as my friends Bradley, Phillips, Colle and Kennedy have observed, and the fact that in cities like Pembroke and, I might add, Brockville and towns like Smiths Falls, we've got relatively fragile property tax bases, and at the same time as we are imposing caps on certain of those commercial and industrial sectors we are adding to the property tax burden costs like social housing and land ambulances, notwithstanding the tax room spoken of by my friend the Premier in question period yesterday, we are without a doubt putting enormous upward pressure on the residential property tax base in cities like Pembroke and, I dare say, Brockville and towns like Smiths Falls, and the minister's own data seem to suggest that.

I want to say to the Minister of Municipal Affairs and the Minister of Finance that in cities like Pembroke, if I read these tax charts correctly, there is going to be hell to pay when the residential property taxpayers get the consequences of Bill 140, because as I read it, talking to local municipal officials, the combination of downloading and the capping on 140 will drive up residential property tax bills in places like Pembroke, Brockville and Smiths Falls probably to an intolerable level. I hope I'm wrong, but people who know a lot more about this than I tell me it is unavoidable.

The Speaker: Mr Eves has moved third reading of Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

"Pursuant to standing order 28(h), I would like to request the vote on Bill 140 be deferred until Monday at deferred votes." This is from the chief government whip, and it is so deferred.

Hon Rob Sampson (Minister of Correctional Services): I move adjournment of the House.

The Speaker: All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

This House stands adjourned until 1:30 on Monday.

The House adjourned at 1737.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

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Brant	Levac, Dave (L)	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
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Davenport	Ruprecht, Tony (L)	London West / -Ouest	Wood, Bob (PC)
Don Valley East / -Est	Caplan, David (L)	London-Fanshawe	Mazzilli, Frank (PC)
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Durham	O'Toole, John R. (PC)	Mississauga East / -Est	DeFaria, Carl (PC)
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Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion		
Halton	Chudleigh, Ted (PC)		
Hamilton East / -Est	Agostino, Dominic (L)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Nickel Belt	Martel, Shelley (ND)	Scarborough-Rouge River	Curling, Alvin (L)
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Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	St Paul's	Bryant, Michael (L)
Oshawa	Ouellette, Jerry J. (PC)	Stoney Creek	Clark, Brad (PC)
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Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Oxford	Hardeman, Hon / L'hon Ernie (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	Eves, Hon / L'hon Ernie L. (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Peterborough	Stewart, R. Gary (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Education / ministre de l'Éducation	Vaughan-King-Aurora	Palladini, Hon / L'hon Al (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Prince Edward-Hastings	Parsons, Ernie (L)	Waterloo-Wellington	Arnott, Ted (PC)
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

TABLE DES MATIÈRES

Jeudi 30 novembre 2000

PREMIÈRE LECTURE

Loi de 2000 sur des budgets équilibrés
pour un avenir meilleur,
projet de loi 152, *M. Eves*
Adoptée 5997

Loi de 2000 sur la Semaine de
sensibilisation aux archives,
projet de loi 153, *M. Johnson*
Adoptée 5997

DEUXIÈME LECTURE

Loi de 2000 modifiant la Loi sur
les relations de travail,
projet de loi 139, *M. Stockwell*
Adoptée 6013

Loi de 2000 poursuivant les mesures
de protection des contribuables
fonciers, projet de loi 140, *M. Eves*
Adoptée 6013

TROISIÈME LECTURE

Loi de 2000 poursuivant les mesures
de protection des contribuables
fonciers, projet de loi 140, *M. Eves*
Vote différé 6028

CONTENTS

Thursday 30 November 2000

PRIVATE MEMBERS' PUBLIC BUSINESS

Accounting practices

Mr Curling.....	5979, 5983, 5986
Mr Tilson	5980
Mr Cordiano	5981
Mr Dunlop.....	5981
Mr Tascona	5982
Ms Churley.....	5984
Negated.....	5994

Trucking industry

Mr Stewart.....	5986, 5993
Mr Cordiano	5987
Mr Beaubien.....	5988
Mr Colle	5988
Mr Martin.....	5989
Mrs Elliott	5991
Mr Lalonde.....	5992
Mr O'Toole	5992
Agreed to.....	5994

MEMBERS' STATEMENTS

Tenant protection

Mr Bryant.....	5994
----------------	------

Alison Clark

Mrs Munro	5994
-----------------	------

Assistance to farmers

Mr Cleary.....	5995
----------------	------

North York Chamber of Commerce

Business Excellence Awards

Mr Young.....	5995
---------------	------

Arts and cultural funding

Ms Di Cocco	5995
Mr Marchese	5996

Caledon East Historical Society

Mr Tilson	5996
-----------------	------

Child poverty

Mr Gravelle.....	5996
------------------	------

Cancer treatment

Mr Tascona	5996
------------------	------

FIRST READINGS

Balanced Budgets for Brighter

Futures Act, 2000,

Bill 152, *Mr Eves*

Agreed to.....	5997
----------------	------

Mr Eves.....	5997
--------------	------

Archives Awareness Week Act, 2000,

Bill 153, *Mr Johnson*

Agreed to.....	5997
----------------	------

Mr Johnson.....	5997
-----------------	------

Idlewyld Manor Act, 2000,

Bill Pr33, *Mr Christopherson*

Agreed to.....	5997
----------------	------

STATEMENTS BY THE MINISTRY AND RESPONSES

Mental health services

Mrs Witmer.....	5997
Mrs McLeod.....	5998
Ms Lankin.....	5999

ORAL QUESTIONS

Nursing staff

Mr McGuinty.....	6000
Mrs Witmer.....	6000

Nursing programs

Mr McGuinty.....	6001, 6005
Mrs Cunningham.....	6002, 6005

Labour legislation

Mr Hampton	6002
Mr Stockwell.....	6003
Mr Christopherson.....	6003

Tenant protection

Mr Hampton	6003
Mr Clement.....	6003, 6004
Mr Marchese.....	6004

Air ambulance service

Mrs McLeod	6004
Mrs Witmer.....	6004, 6007
Mr Hampton	6006

Stalking

Ms Mushinski	6005
Mr Flaherty	6005

Water treatment facility inspections

Mr Dunlop	6006
Mr Newman.....	6006

Property taxation

Mr Phillips.....	6007
Mr Eves.....	6007

Homelessness

Mr Hastings	6008
Mr Clement.....	6008

International adoptions

Mr Cordiano	6008
Mr Baird	6008

Aiming for the Top scholarships

Mr Galt	6009
Mrs Cunningham.....	6009

PETITIONS

Education reform

Mr Ruprecht.....	6009
------------------	------

Northern health travel grant

Ms Martel	6010
-----------------	------

Driver licences

Mr DeFaria	6010
------------------	------

Health care funding

Mr Bradley	601
Mr Agostino	601

Diabetes treatment

Mr Tascona	601
------------------	-----

Protection of minors

Ms Mushinski.....	601
-------------------	-----

School closures

Mr Ruprecht	601
-------------------	-----

Registration of vintage cars

Mr Gill	601
Mr O'Toole	601

Fire protection services

Mr Bradley	601
------------------	-----

SECOND READINGS

Labour Relations Amendment Act, 2000, Bill 139, *Mr Stockwell*

Agreed to.....	601
----------------	-----

Continued Protection for Property

Taxpayers Act, 2000,

Bill 140, *Mr Eves*

Agreed to.....	601
----------------	-----

THIRD READINGS

Continued Protection for Property

Taxpayers Act, 2000,

Bill 140, *Mr Eves*

Mr Eves.....	601
--------------	-----

Mr Phillips	601
-------------------	-----

Ms Lankin	601
-----------------	-----

Mr Young.....	602
---------------	-----

Mr Smitherman	602
---------------------	-----

Ms Mushinski.....	602
-------------------	-----

Mr Colle	602
----------------	-----

Mr Kennedy	602
------------------	-----

Mr Bradley	602
------------------	-----

Mr Conway	602
-----------------	-----

Vote deferred.....	602
--------------------	-----

OTHER BUSINESS

Visitors

Mrs Ecker.....	6009
----------------	------

continued overleaf



No. 112A

N° 112A

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

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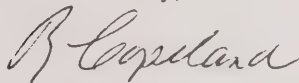
Dear Subscriber,

Enclosed is a revised version of Hansard issue number 112A for Monday, December 4, 2000, for the First Session of the 37th Parliament.

At the request of the House, the original version of this issue only included debates up to Orders of the Day. The rest of that afternoon's House debate was held back pending resolution of an investigation into remarks made in the House during a debate on Bill 144.

That investigation was completed and the House recently decided to publish Orders of the Day with certain names expunged from the record (Issue 112A, p. 6064). For the motion directing Hansard in this matter, please see the debates of Tuesday, April 24, 2001 for the Second Session of the 37th Parliament (Issue No 3, p. 72).

Yours sincerely,



Richard Copeland
Director

CONTENTS

Thursday 30 November 2000

PRIVATE MEMBERS'
PUBLIC BUSINESS

STATEMENTS BY THE MINISTRY

Health care funding



No. 112A

N° 112A

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**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

Monday 4 December 2000

**Journal
des débats
(Hansard)**

Lundi 4 décembre 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 4 December 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 4 décembre 2000

The House met at 1330.

Prayers.

The Speaker (Hon Gary Carr): Members' statements? The member for Algoma-Manitoulin.

Hon Chris Hodgson (Chair of the Management Board of Cabinet): Point of order.

The Speaker: I'm sorry. I apologize. Thank you. I said I would do that and I forgot in two minutes. The Chair of Management Board.

ESTIMATES

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I have a message from the Administrator of the Government, signed by his own hand.

The Speaker (Hon Gary Carr): The Administrator of the Government transmits estimates of certain sums required for the services of the province for the year ending 31 March 2001 and recommends them to the Legislative Assembly.

MEMBERS' STATEMENTS

SERVICES FOR THE DISABLED

Mr Michael A. Brown (Algoma-Manitoulin): On Saturday, I had the good fortune to meet with the board of directors of Algoma Community Living. That's the agency that provides support to developmentally disabled people through the entire district of Algoma, from Hornepayne right straight through to the Elliot Lake, Blind River, Sprague area.

They told me, in meeting with the executive director, Glenn Rampton, and Lila Cyr from Blind River, that Ontario needs a strong new Ontarians With Disabilities Act to tear down the barriers that keep people with disabilities from participating in all aspects of life. Last March, they participated in an event in support of an ODA consultation by my colleague Steve Peters. I was also there. They are telling me there is a critical need for more funding to support aging parents with middle-aged children with a developmental disability still living with them.

This year, they were asked to do a quick inventory of the more pressing cases. They identified a need for funding in the order of \$500,000 to deal with needs that will likely become crises over the next few years. They received only \$93,000. They also told me that over the

past few years, WSIB costs to this agency have increased from \$66,000 to almost a quarter of a million dollars. This is unacceptable.

LAW ENFORCEMENT

Mr David Young (Willowdale): At a ceremony last Friday night, the Rock-Machine, a Quebec biker gang that has battled the Hell's Angels in a bloody turf war over the last six years, were made probationary members of a Texas-based biker gang known as the Bandidos. Toronto police chief Julian Fantino, who also heads the national strategy against bikers, stated that he was not surprised by the move, given the refusal of the federal Liberals to get tough on organized crime. "The response by the federal government to the whole threat is feeble and has lacked courage," stated Chief Fantino. Indeed, one police source was quoted as saying that the federal Liberal failure to make anti-gang legislation a leading issue during the recent election campaign may well have helped to spur on the merger.

We have heard from the federal Liberals time and time again that getting tough on organized crime, getting tough on criminals, is a top priority. But their actions speak louder than words.

Take the Young Offenders Act, for example. For three straight elections the federal Liberals have promised to strengthen the Young Offenders Act, and three elections and eight years later we have seen nothing from them—nothing but more promises, hollow promises, to strengthen the legislation. If a strengthened Young Offenders Act was indeed a priority for the federal Liberals, then why did they let it die on the order paper before calling the last election?

SMART COMMUNITIES

Mr Richard Patten (Ottawa Centre): I rise today to tell the House about the phenomenal transition that has occurred in the new city of Ottawa. This morning's Ottawa Citizen is an article entitled "Ottawa poised to be 'Megacity of the Future.'" The article is subtitled, "City Leads Way in Digital Governance."

As many in this House should know, there is at this time the emergence of a whole new political geography. This new reality requires that government and business work hand in hand to foster the growth of smart communities. There is no better example of how to do this than what is being done today in Ottawa.

The Citizen article refers to a visit to Ottawa by John Eger, the president and CEO of the World Foundation for Smart Communities. He points out that part of Ottawa's advantage is in part the result of the Ottawa Centre for Research and Innovation. This non-profit initiative, I should point out, is a combined public and private initiative. This is an excellent example that all communities should aspire to working together. Mr Eger also refers to the co-operation he witnessed in Ottawa's amalgamation process. He called this "an undertaking which will strengthen the community." He, as a resident of San Diego, relates to his own experience.

In conclusion, I want to emphasize for this House how important it is for different levels of government to truly work together, in addition to government working alongside business when building so-called smart communities like the one we are fortunate to have taking place in Ottawa. Ottawa is an excellent example on which this type of policy can best be based.

ACADEMIC TESTING

Mr Ted Arnott (Waterloo-Wellington): After hearing the Leader of the Opposition on November 29 talk about students who failed to meet provincial standards, I want to inform the House of the positive testing results achieved in my riding of Waterloo-Wellington. For the second year in a row, grades 3 and 6 students in the Upper Grand School Board scored above the provincial average in provincial reading, writing and math tests. Wellington Catholic board students also achieved higher results this year.

I would like to take this opportunity to credit the students, parents and their teachers in Waterloo-Wellington for these successes to date. With dedication and compassion, teachers provide the mentoring, knowledge and skills that our students need to prosper in a rapidly changing world. I believe most teachers would agree with this quotation from a recent Globe and Mail editorial entitled Education: the Forgotten Issue of the Campaign. Referring to the federal election campaign, it said, "Education is the key to our future prosperity. In a global economy, that depends more and more on knowledge and information. The countries that thrive will be the ones with highly educated people."

In recent weeks, I have visited John Black and James McQueen public schools in Fergus, Ponsonby and Elora public schools, as well as Centre Wellington High School and Elmira District Secondary School. I think the teachers I met there fully understand the importance of their role in students' lives and in encouraging them to do better all the time. That is why I believe they also realize that above-average is a positive first start, but striving to achieve the highest possible scores is the optimal next step forward.

PROVINCIAL AUDITOR

Mr John Gerretsen (Kingston and the Islands): This evening, we will all have the pleasure of attending a reception honouring Ontario's Provincial Auditor, Erik Peters, who is this year's recipient of the Institute of Chartered Accountants of Ontario's award of outstanding merit. The award is the highest honour the institute confers upon its members. It is reserved for those whose service to the CA profession and to the broader community has been uniquely conspicuous and sustained.

Erik has served his profession and the broader community with distinction for some 35 years. His career achievements in both the private and public sectors, his volunteer leadership of provincial, national and international policy and standard-setting bodies and his local community service have all been marked by the highest standards of competence and professional integrity.

In 1993, he assumed the responsibilities as an officer of this assembly, as the Provincial Auditor of Ontario. Reporting directly to the Legislative Assembly, Erik's office conducts independent audits of government programs, crown agencies and corporations. It assists in holding the government and its administrators accountable for their stewardship of public funds and for achieving value for money in government operations.

As Chair of the public accounts committee for the past year and a half, the committee that directly reviews his reports and makes further recommendations, I speak on behalf of all committee members. We have been extremely impressed by Erik's professionalism and purposeful determination to ensure that all government ministries use the appropriate measures to ensure that taxpayers' dollars are spent wisely and on a cost-efficient basis.

As the Minister of Community and Social Services, John Baird, so aptly put it recently, "Erik Peters is the best friend the taxpayers of Ontario ever had."

I want to congratulate the Institute of Chartered Accountants of Ontario for selecting such a deserving individual as the recipient of this year's Award of Outstanding Merit.

1340

SERVICES FOR THE DISABLED

Ms Marilyn Churley (Toronto-Danforth): I want that long as well, Mr Speaker.

Yesterday, December 3, was United Nations International Day for Persons with Disabilities. This morning, seniors in support of a strong and effective Ontarians with Disabilities Act held a press conference to call on the Harris government once again to bring in the act they promised in the 1995 election. Those speaking were Etta Ginsberg McEwan, Mae Harman, Dorothy Rivers and Reta Duenisch Turner. They represented the following groups: Canadian Association of Retired Persons, Canadian Pensioners Concerned, Care Watch Toronto, Older

Women's Network, Ontario Coalition of Senior Citizens' Organizations and the United Senior Citizens of Ontario.

These women's voices were powerful and moving. They spoke about their own personal plights and they also spoke in general about the need to be more caring for the most disadvantaged in our society.

They also spoke about the fact that people with disabilities who have trouble moving around and getting around actually can and want to contribute to society. They want the government to bring back the Employment Equity Act that the NDP government brought in and this government immediately got rid of. They want the government to keep its promise and bring in an effective Ontarians with Disabilities Act and to consult with those most affected.

ELWOOD MOORE

Mr Bill Murdoch (Bruce-Grey-Owen Sound): It is with great pride that I stand here before you today and pay tribute to an outstanding local conservationist and community figure, Elwood Moore.

Mr Moore was born and raised in Grey county and accomplished many things in his life. From 1942 to 1946, Mr Moore was a radar technician in the Royal Canadian Air Force. From 1953 to 1960, Mr Moore was a councillor in Derby township. From 1960 to 1964, he was the reeve, and served as warden of Grey county in 1964.

Mr Moore also made a huge impact on conservation. From 1957 to 1984, Mr Moore was the director of the North Grey Regional Conservation Authority, representing Derby township, and from 1967 to 1969, he was chairman. From 1985 to the present, Mr Moore has been a director of the Grey-Sauble Conservation Authority.

I would like to take this opportunity to acknowledge Mr Moore, who is here in the House today.

Mr Moore has had 44 years of continuous service as Derby township's representative on the conservation authority. In fact, this is the longest continuously serving director on a conservation authority ever.

With municipal restructuring, Derby township will no longer exist as of January 1, 2001, having amalgamated with the surrounding townships of Kepple and Sarawak. As a result, the Grey-Sauble Conservation Authority brought Mr. Moore here today, where he will have the opportunity to meet Her Honour Hilary Weston, the Lieutenant Governor.

Mr Moore is a remarkable and dedicated individual. He deserves recognition from this House for his significant contributions to Bruce and Grey counties.

I want to tell you that all these people are here to honour Mr Moore.

HIGHWAY SAFETY

Ms Caroline Di Cocco (Sarnia-Lambton): My statement today concerns the stretch of Highway 402 between Sarnia and Strathroy that is under construction. This section has been reduced to single lanes because of high-

way maintenance. I noticed over the summer and fall of this year, as I drove to and from Toronto, that more and more markers to denote the separation between the single lanes were missing over time, leaving large gaps in safety signage.

On November 21, a Michigan woman was killed on that construction section in a head-on collision with a transport truck. Even more alarming is that the probable cause of the fatal accident was the missing signage to mark the single lane divisions.

I drove to Toronto from Sarnia yesterday, December 3. It's almost two weeks since that accident claimed the life of the young woman. The signage has not been replaced and those huge gaps between the safety markers are still there.

We all see huge signs put up ASAP lauding the fact that our tax dollars are at work on this province's highways, yet due diligence on the part of the Ministry of Transportation to ensure safety is obviously not a priority.

Dalton McGuinty and the provincial Liberals understand that road safety is a priority. This signage should have been replaced immediately it went missing, but the Harris government does not even replace it after someone dies.

SERVICES FOR THE DISABLED

Mr Garfield Dunlop (Simcoe North): I am pleased to rise today to draw attention to the International Day of Disabled Persons. On Sunday, the province of Ontario joined nations around the world in commemorating the day, created by the United Nations in 1992. The UN did so in order to improve the situation of persons with disabilities around the world and to provide persons with disabilities equal opportunities.

Our government currently invests almost \$6 billion—one ninth of the provincial budget—in programs and services to increase opportunities and improve the quality of life for persons with disabilities and their families. In the last five years, we have announced \$800 million in new or enhanced services—a clear indication of our ongoing commitment to people with disabilities.

These important programs and services improve the lives of Ontarians with disabilities and their families in the following ways: they make buildings and motor vehicles more accessible; they create opportunities for people of all ages to live independently and in their communities; they help students with disabilities get an education; they help people with disabilities find jobs, or help support them when they cannot work; and they offer health care services that improve care, provide earlier interventions and improve outcomes.

But government cannot go it alone. The commitment to improving opportunities for persons with disabilities is a shared one. It is shared with business, with other levels of government and with community organizations. Indeed, it is a responsibility shared by all Ontarians.

Together, we're building bridges of opportunity, bridges that will permit every Ontarian to participate more fully in the life of his or her community. I invite the members of the House to join me in recognizing International Day of Disabled Persons and to renewing our commitment to improving opportunities for all Ontarians.

INTRODUCTION OF BILLS

HEALTH INSURANCE AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI SUR L'ASSURANCE-SANTÉ

Mr Duncan moved first reading of the following bill:

Bill 154, An Act to amend the Health Insurance Act to satisfy the criteria for contribution by the Government of Canada set out in the Canada Health Act / Projet de loi 154, Loi modifiant la Loi sur l'assurance-santé pour satisfaire aux critères régissant les contributions du gouvernement du Canada et énoncés dans la Loi canadienne sur la santé.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Dwight Duncan (Windsor-St Clair): The bill amends the Health Insurance Act so that the Ontario health insurance plan satisfies the criteria set out in the Canada Health Act and the province of Ontario qualifies for receiving the full cash contribution from the government of Canada as described in that act. Those criteria are public administration, comprehensiveness, universality, portability and accessibility. As part of achieving the objective, the bill prohibits the Lieutenant Governor in Council from making regulations that would disqualify Ontario under the Canada Health Act for contributions from the government of Canada because the Ontario health insurance plan would no longer satisfy the criteria under that act.

In short, we're trying to protect the people of Ontario from the hidden agenda of the Canadian Alliance and the Mike Harris government in health care.

1350

MOTIONS

HOUSE SITTINGS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, December 4 and Tuesday, December 5, 2000, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

Hon Mr Sterling: Mr Speaker, in order to accommodate the Minister of Labour and get his legislation through this House, I move that, pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm to midnight on Wednesday, December 6, 2000, for the purpose of considering government business.

The Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

ECONOMIC OUTLOOK

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): In the 2000 budget, we reported that Ontario's economy was growing stronger and faster than expected.

Today, our economy is still growing faster than all of the G7 nations. Our businesses are still creating jobs at a vigorous pace and hard-working Ontarians are still creating new opportunities. These are major achievements. But staying competitive means not standing still.

Some people believe that tax cuts cost government money. Nothing could be further from the truth. Tax cuts stimulate investment, create jobs, and generate the fiscal resources we need to invest in our priorities.

We expect that by the end of this year our tax revenues will be \$14 billion higher than when we initiated our tax cut agenda five years ago.

Ontario's real GDP rose 6.1% in 1999—more than the growth in the rest of Canada, more than any other province in Canada, more than the United States of America and more than any G7 nation.

Our prudent 2000 budget projection suggested our economy would grow by 4.6% this calendar year and 3.1% in 2001. In fact, based on the exceptional performance so far this year, the recent average private sector forecast is that Ontario real GDP will grow by 5.5% this year and 3.7% in 2001.

Strong economic growth is reflected in vigorous job creation. So far this year, Ontario has created 184,000 new jobs compared to the same period in 1999. Since September 1995, Ontario has created 830,000 net new jobs—more than half of the jobs created in Canada over that period of time. We have become and we remain the job creation leader of Canada.

Tax cuts remain central to our strategy for strengthening our economic competitiveness. We are pleased that the federal government finally realizes the economic

benefits of tax cuts and is following our lead by beginning to cut personal and corporate income taxes. But Ottawa must do more to make Canada's tax rates competitive with other jurisdictions, particularly the United States.

In the 2000 budget, we proposed that beginning January 1 of next year the capital gains inclusion rate in Ontario be reduced from two thirds to 50% over four years. We issued a challenge to the federal government to match these reductions. In its October 18, 2000, economic statement and budget update, the federal government did respond.

To ensure that Ontario taxpayers receive the full benefit of this move, we are going to accelerate our capital gains tax rate reductions as well. Today I am announcing that retroactive to October 18, 2000, we will fully implement the 50% capital gains tax inclusion rate.

In the 2000 budget, we also announced plans to support the mining sector with a new bonus deduction for purchasers of flow-through shares. Again, we issued a challenge to the federal government to support this critical sector of the Canadian economy. Ottawa followed the lead by proposing a flow-through share tax credit. Today I am announcing that retroactive to October 18, we propose to introduce a flow-through share tax credit, as opposed to a deduction, of 5% to parallel and harmonize with the federal move.

I would like to thank the Prospectors and Developers Association of Canada and my colleague the Honourable Tim Hudak, Minister of Northern Development and Mines, whose dedication and persistence helped lead the federal government to support this important sector and our northern communities.

Laughter.

Hon Mr Eves: The members in the opposition benches laugh. It only took the federal government six months and an election to respond to the budget initiative of May 2. However, Liberals are slow learners.

The tax changes announced today complement the many initiatives we have undertaken to support the development of an innovative society.

For example, in this year's budget we announced that we would be tripling funding for the Ontario Innovation Trust to \$750 million. This allows research institutions in Ontario to lever funding provided through the federal government's Canada Foundation for Innovation.

The 2000 budget also proposed the Ontario research stock option credit and the elimination of the employer health tax on stock options paid by research-intensive firms. More recently, we proposed a new 20% personal income tax credit for investments in research-oriented investment funds. We are taking these steps to attract and retain workers in the highly competitive knowledge-based economy.

The SuperBuild Corp represents a new and fresh approach to government capital spending and planning in Ontario. It is an approach anchored firmly in the belief that public-private partnerships can help build public

infrastructure in the most cost-effective and productive manner possible.

Health care still remains Ontarians' highest priority. Through partnerships, we are investing \$1.8 billion to modernize our hospitals and provide Ontarians with the highest standards of health care possible.

Partnerships are also helping us expand our post-secondary education system to meet the challenges ahead of us. Together with post-secondary institutions, the private sector and other public partners, we have committed \$1.8 billion to create 73,000 new student spaces in colleges and universities, ensuring that every Ontarian who is qualified can pursue a post-secondary education.

This year we are investing a record \$1 billion to expand and renew Ontario's highway infrastructure.

We have demonstrated that partnerships between government and the private sector work. The successful sale of Highway 407 to the private sector, the largest highway privatization in the world, generated \$3.1 billion for the Ontario treasury. Continuing construction to complete the highway has created over 6,000 new jobs and has helped relieve traffic congestion for business and commuter traffic across the GTA.

The recent lease agreement between the province and British Energy for the Bruce nuclear facility is a partnership that will see a dormant provincial asset revitalized and reactivated. As a result, jobs will be saved in the Bruce Peninsula communities and new economic growth will be possible in the region.

Details of SuperBuild's activities to date are provided in the first SuperBuild Corp progress report, tabled and released today.

1400

Ontarians, like all Canadians, expect the federal government to be a true partner in the funding of health care and other social programs by committing to fund 18% of provincial-territorial expenditures through CHST, the same share of the cost that the federal government paid in 1994-95.

While we have certainly made progress with the federal government in this regard, it is still today only funding 12% of health care expenditures in the province of Ontario this year. Meanwhile, Ontario will be spending \$2.1 billion more on health care this year than we did last fiscal year.

In the 2000 budget, we announced that in 2001 we would fully implement a made-for-Ontario taxation system. Under that system, Ontario will establish our own income tax rates and brackets and our own approach to reductions in income tax through credits, exemptions and deductions. Today I am announcing that we will use our new made-for-Ontario policy flexibility to enhance Ontario's non-refundable credits for students, people with disabilities and their caregivers. This \$60-million increase in tax benefits will assist both part-time and full-time students with the costs of their post-secondary education and will help people with disabilities live independently and with dignity.

It is Ontario's view that the flexibility provided by the made-for-Ontario income tax system is desirable. We also think it can be achieved within a single tax administration system.

However, the federal government must begin to realize that the interests of taxpayers are different in different parts of this country. Taxpayers in Ontario surely have interests that are unique to Ontario and different from the interests of taxpayers in Saskatchewan, for example. Likewise, those in British Columbia have different concerns from those in Nova Scotia or Newfoundland. Every province should be able to address the needs of its own taxpayers as it sees fit.

A good example is the Ontario research employee stock option credit. It is an initiative that is designed to improve Ontario's competitiveness as a place for researchers to locate and conduct their work. To date, the federal government has not responded to the challenge to match that program, nor has it agreed to administer the benefit at a fair and reasonable cost. If the federal government remains unwilling to act in the taxpayers' best interests, Ontario will have no choice but to establish the capacity to provide this benefit directly ourselves.

In 1995, we committed that we would launch the new century with a balanced budget. We have more than honoured that commitment. We were there one year ahead of schedule.

In response to the strength of our economy and our robust revenue performance, we are eliminating the need for the province's \$1-billion reserve and applying the full amount to reduce the net provincial debt.

We remain committed, as we announced in the 2000 budget, to reduce the net provincial debt by at least \$5 billion during this mandate, more than double the Blueprint commitment.

Based on the Second Quarter Ontario Finances, which we are releasing today, I am pleased to report that we are now projecting a budget surplus of \$1.4 billion for this fiscal year. This projection is based on recent forecasts of 5.5% economic growth this year. Some private sector forecasters have projected even stronger growth.

Stronger-than-expected revenue growth does not mean, however, that government can return to its past practices of being all things to all people all the time. When we are fortunate enough to have extra money, we must invest it wisely.

Earlier in this statement, I spoke of the need to challenge the federal government to act to boost the nation's competitiveness. We are only asking that the federal government work with the provinces in a spirit of co-operation.

We all have a stake in Canada's future. Ontario wants to ensure that Canada maintains its position at the leading edge of the global economy. Ontario cannot do it alone. The provinces cannot do it alone. We can only achieve our goals if all levels of government work responsibly and work together.

Our government remains committed to protecting the gains we have made and ensuring that the outlook re-

mains bright and prosperous for Ontarians today and tomorrow.

Mr Dalton McGuinty (Leader of the Opposition): I'm pleased to respond on behalf of my party.

The minister today spent a great deal of time focusing on tax cuts. I want to make it perfectly clear that, based on what we have been hearing from Ontario families, tax cuts alone are not enough to help our families find success in the future.

We believe our families are entitled to first-class public education, and they're not getting it. Instead, they are getting schools sapped of their spirit and characterized by turmoil, demoralized teachers, loss of extracurricular activities, and test results showing fully one half of our children are not meeting the standard for reading and writing in Ontario.

I believe Ontario families are also entitled to an affordable university education. They're not getting that either. Instead, they are getting an undergrad education that costs today in Ontario, all-in, \$48,000. They're getting professional degrees like medicine that cost, all-in, easily another \$100,000. Either our children are graduating with enormous debts or their parents are using their retirement money to finance their children's education, or both.

I also believe Ontario families deserve a health care system they can count on, and they're not getting it. Instead, they're getting hospitals that are short of beds and short of nurses, which means, in turn, that Ontario families are having to contend with longer waiting lines, delayed treatment, and often no room for even our most critically ill loved ones. Mike Harris recklessly fired nurses and closed beds by the thousands. Now our families are paying the price. We believe the parents of sick children and the children of ill parents should have the peace of mind that comes from knowing health care is working.

We believe Ontario's families deserve a government that protects the air we breathe and the water we drink. They're not getting that government. Instead, in the fight against pollution, Ontarians are getting a government that sides with polluters. Mike Harris has fired inspectors and enforcement officers and made Ontario the second-worst polluter in North America. He believes that prosperity in Ontario must come at the expense of the health of our families. We believe we can and must sustain the health of our families as we prosper.

To conclude, I believe it takes a lot more than just tax cuts to help Ontario families get ready for the future. It takes good schools with enthusiastic teachers. It takes an affordable university education. It takes health care that you can count on. And it takes a government that will stand up to polluters and protect our air and our water. When it comes to meeting the needs of Ontario families, tax cuts alone just don't cut it.

I can tell you something else that Ontario families are looking for. They want a government that's going to reach out to help them, but it's difficult for a government to reach out to people when it's so busy patting itself on

the back. It's difficult for a government to steer us toward the future when it can't stop staring into the rear-view mirror. It's difficult for a government to help people reach their goals when it itself is adrift. It's difficult for a government to serve the many when it is so indebted to a wealthy few. That is exactly the case with this particular government.

As well, I think we should be honest about the cause of our prosperity today. Let's give credit where credit is due. The prosperity of Ontario, the prosperity that we are enjoying today, is the result of the financial health and vigour of our largest trading partner by far, the US.

Interjections.

Mr McGuinty: The government members may be reluctant to admit to this, but our country's federal monetary and fiscal policies have also been very helpful. A low dollar, low interest rates and a modest rate of inflation have all been very helpful to us here in Ontario. Tax cuts by governments play a role in making our province more competitive, but—and here is where the Premier and I have a major disagreement—tax cuts alone are not enough to help Ontario families find success in the future.

1410

Mr Howard Hampton (Kenora-Rainy River): As I listen to the government today, I have to ask, what do Mike Harris, Jean Chrétien, Lucien Bouchard and Bill Clinton all have in common? The answer is this: each one of them wants you to believe that they and they alone are responsible for the economy. Each one is in the middle of a masquerade.

Interjections.

The Speaker (Hon Gary Carr): Stop the clock. Order. Minister of Labour, come to order. Sorry for the interruption.

Mr Hampton: As I said, each one of them wants you to believe that they and they alone are responsible for an economic boom that has extended across western Europe and across North America. The fact of the matter is that none of those impostors—none of them—has anything to do or has had anything to do with that huge economic boom. The real question they have to answer is, what have they done in the midst of an eight-year economic boom?

The answer for this government is, in the midst of the longest economic boom since the Second World War, this government now has in the province of Ontario 121 hospitals that are in deficit. Imagine: in the largest economic boom since the Second World War, this government has 121 hospitals that are in deficit. On the education front what does it mean? Well, it means that since 1995 you've taken a total of \$1.7 billion out of education, in the midst of the largest economic boom. It means that we've got 34,000 elementary schoolchildren who can't access the special education they need, in the midst of an economic boom. It means a government that's closing 138 schools. It means that half of our elementary schools don't have music teachers, 63% don't

have physical education teachers and 62% don't have English-as-a-second-language teachers.

It goes on. This is a government that in the midst of the largest economic boom since the Second World War now leaves municipalities with a \$9-billion sewer and water treatment deficit. The Association of Municipalities of Ontario told you that there is \$9 billion in maintenance and capital work that needs to be done. This is a government that, in the midst of this huge economic boom, has cut the budget of the Ministry of the Environment to the extent where even the auditor says that you've had to reduce the inspection of water treatment plants, sewer treatment plants and hazardous waste facilities. The people of Walkerton know all about that.

Then there's the issue of social housing. As rents in the city of Toronto have increased by \$2,000 a year for a two-bedroom apartment and as more and more people face homelessness, this government is now downloading seniors' housing and social housing on to municipalities and is saying to municipalities, "You find the \$1 billion over the next five years to do the needed maintenance."

When the history of these times is written, I suggest that what people are going to focus on is, here is a government that lived during the most incredible economic boom since the Second World War, and what did they do? They underfunded health care, they underinvested in education, they ignored the poorest people, child poverty increased, they underfunded environmental protection and they stopped building social housing, co-op housing and non-profit housing. What has really happened here is that we have a government that has literally wasted the opportunity of a lifetime, a government that had the opportunity to make investments which would produce a better quality of life for people and which would allow people to be more productive economically and socially. Instead of making those investments in community services, in transit, in environment protection, in education, in health care—instead of making those necessary investments—this government squandered that opportunity on tax cuts for its corporate friends. That will be the history of this government, and a shameful history it is.

DEFERRED VOTES

CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000

LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS

Deferred vote on the motion for third reading of Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1417 to 1422.

The Speaker: Mr Eves has moved third reading of Bill 140. All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted	Harris, Michael D.	O'Toole, John
Baird, John R.	Hodgson, Chris	Ouellette, Jerry J.
Beaubien, Marcel	Hudak, Tim	Palladini, Al
Chudleigh, Ted	Jackson, Cameron	Runciman, Robert W.
Clark, Brad	Johns, Helen	Sampson, Rob
Clement, Tony	Johnson, Bert	Snobelen, John
Coburn, Brian	Kells, Morley	Spina, Joseph
Cunningham, Dianne	Klees, Frank	Sterling, Norman W.
Dunlop, Garfield	Marland, Margaret	Stewart, R. Gary
Ecker, Janet	Martiniuk, Gerry	Stockwell, Chris
Elliott, Brenda	Maves, Bart	Tilson, David
Eves, Ernie L.	Mazzilli, Frank	Tsubouchi, David H.
Flaherty, Jim	Molinari, Tina R.	Turnbull, David
Galt, Doug	Munro, Julia	Wettlauffer, Wayne
Gilchrist, Steve	Murdoch, Bill	Witmer, Elizabeth
Gill, Raminder	Mushinski, Marilyn	Wood, Bob
Hardeman, Ernie	Newman, Dan	Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Crozier, Bruce	Marchese, Rosario
Bartolucci, Rick	Curling, Alvin	Martel, Shelley
Bountrogianni, Marie	Di Cocco, Caroline	McGuinty, Dalton
Boyer, Claudette	Dombrowsky, Leona	McMeekin, Ted
Bradley, James J.	Duncan, Dwight	Patten, Richard
Brown, Michael A.	Gerretsen, John	Phillips, Gerry
Bryant, Michael	Hampton, Howard	Pupatello, Sandra
Caplan, David	Hoy, Pat	Ramsay, David
Churley, Marilyn	Kennedy, Gerard	Ruprecht, Tony
Colle, Mike	Kormos, Peter	Sergio, Mario
Conway, Sean G.	Kwinter, Monte	Smitherman, George
Cordiano, Joseph	Levac, David	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 50; the nays are 35.

The Speaker: I declare the motion carried.

Be it motioned that the bill do now pass and be entitled as in the resolution.

ORAL QUESTIONS

SOCIAL ASSISTANCE

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. I notice in today's statement some good budgetary news: there is going to be a \$1.4-billion surplus. You remind us that we have 5.5% economic growth this year. These are prosperous times.

There is a sad reality, however, in Ontario, and that is the fact that our poor are getting poorer. Notwithstanding the fact that you take a special delight in stereotyping people on welfare as all being drug-addicted junkies

waiting for their next fix, the fact of the matter is that well over half of the people on welfare are single mothers and their children who are desperately struggling to make ends meet.

A little over five years ago, you cut government support to Ontario's poorest families by over 21%. It's been frozen there ever since. Christmas is just around the corner and it seems to me that the right thing to do in the circumstances, given our prosperity, is that all of us be able to share in that. I want to return to something I raised with you before, Premier. Are you now prepared to build a cost-of-living adjustment into payments for our poor?

Hon Michael D. Harris (Premier): First of all, let me correct the record on something the member said in the preamble, and that is that Ontario's lower-income individuals and families are getting poorer. I repeat that because it is absolutely false and not true. Ontario's low-income families and individuals are better off today than they were last year, and they were better off last year than they were since we took office. They have more money to spend. They have more money in their pockets. They are relatively better off. In fact, every statistic demonstrates this.

From time to time, those of you who want to criticize even good news will try and twist the facts and statistics around and say, "Somebody else is doing even better." It may be true. Working Ontarians are doing even better than non-working Ontarians, but non-working Ontarians are doing better than they were last year or—

The Speaker (Hon Gary Carr): Order. The Premier's time is up.

Mr McGuinty: Thank you, Mr Grinch. About five and a half years ago, Premier, you cut welfare payments by over 21%. I want to come back to the same matter, which you're trying to dance around. We're talking about people who have been on welfare for the past five and a half years. I'm talking about families.

Mr Tsubouchi, who was minister at the time, came up with a diet that he felt could be supported with \$90 a month for food. It was ridiculed at the time and it was generally considered that it would hardly meet nutritional requirements for an adult. What we did today was take that same shopping list Mr Tsubouchi produced some years ago for \$90.81 a month and produced the new total. We sent somebody over to the No Frills store on Parliament Street and came up with a new total of \$105. That's a 16% increase.

Premier, you tell us today that we are enjoying unprecedented prosperity. Why do you not consider it to be the fair thing to do to share our prosperity with our poor?
1430

Hon Mr Harris: I think if you review the budgets that the Minister of Finance has brought in, which have led to the prosperity, you will find that the biggest percentage increases in all benefits and all programs have gone to those less fortunate in Ontario, have gone to low-income Ontarians, have gone to more working opportunities for low-income Ontarians. I can tell you today that now,

through our welfare rates, we are funding a higher percentage than the rest of Canada and higher than when we took office just five years ago. But more significant than that is the fact that we have the most generous earn-back provisions—the most generous provisions to get back into the workforce, to top up income, to break that cycle of dependence that was one of the biggest problems that we inherited when we took office. So yes, each and every month, each and every day, each and every year we look at ways that we can help even more to break that cycle of—

The Speaker: Order. The Premier's time is up.

Mr McGuinty: Premier, you bring to mind a very interesting study in contrasts here. You were prepared to go to the wall for a 42% pay hike for yourself but you're not prepared to go to the wall for cost of living for people on welfare. This is what you are all about. We are enjoying unprecedented prosperity today in Ontario; revenues are greater than they have ever been. You cut welfare by 21%. You alone are the sole contributor to all those children who find themselves on welfare. Christmas is just around the corner and you're not prepared to consider an increase of some 2% or 3%. I ask you one more time, Premier, on their behalf, why is it that we can't share our prosperity with people who find themselves, through no fault of their own, on welfare?

Hon Mr Harris: As the only leader of a party that asked for any kind of an increase in pay, the Liberal Party, I'm surprised that you have the gall to stand up, after personally advocating a raise for yourself as well as the \$2,000 you tried to get through the back door that we finally found out about and nixed—

Interjections.

The Speaker: Premier, take your seat. Member for Hamilton East come to order. Sorry, Premier.

Hon Mr Harris: Thank you very much, Mr Speaker. The facts are—

Interjections.

The Speaker: Order. Premier, take your seat. The member for Ottawa Centre, this is now your last warning. I'm not going to sit down and, as I'm sitting down, somebody shout out. If it happens we'll ask you to leave—simple as that. Sorry, Premier.

Hon Mr Harris: I understand the Liberals are ornery that they didn't get a raise, and that's the Liberal way. If they can't line their own pockets, then they get a little snarly. I understand that. I understand all the yelling and screaming. The member for Windsor is upset that she didn't get her raise, and I understand that.

But what we on this side of the House are most concerned about is, how do we help those less fortunate actually do better? Let me tell you what David Perry, head of research for the non-partisan Canadian Tax Foundation said this year: "If you are a single mom at low-income levels, there isn't any better place that you'd rather be than Ontario. Ontario provides significant relief at the bottom of the income scale. You have property tax"—

The Speaker: Order. The Premier's time is up.

AMBULANCE SERVICES

Mr Dalton McGuinty (Leader of the Opposition): "Are there no prisons, are there no workhouses," Mr Premier?

My next question is for the Minister of Health. I believe the government has a responsibility to ensure public safety. Unfortunately, your ambulance dispatch system is risking lives and in fact has proven to be costing lives. The director of Niagara Emergency Medical Services has linked four specific deaths to your ambulance dispatch system. Four people have died because ambulances are being sent—and listen to this, Minister—to the wrong addresses, sometimes the wrong towns. Sometimes ambulances weren't sent at all. Nobody knows the size of this tragedy as it unfolds around the province, but the auditor has told us that ambulances were failing to make the response times three out of five times last year. Minister, will you scrap your plan to download this broken system on to municipalities and fix what we have before another life is lost?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I would just encourage the Leader of the Opposition to be careful as to the statements that are made before reviews have been undertaken and to make sure that he can verify the accuracy of the information. However, as I indicated last week in response to a question that had been placed by Mr Bradley, we did review the situation as it existed because we appreciated the concerns, and I would indicate to the Leader of the Opposition today that we have communicated with the region of Niagara and we have stated that in response to the review we will be initiating an external review.

Mr McGuinty: Just in case the minister doubts the authenticity, I'd ask her then to spend a bit of time on the front lines talking to paramedics, and you can pick any community you want in Ontario. Paramedics are complaining about being sent to the wrong addresses, about being sent to the wrong cities, and in some cases not being sent at all.

When it comes to your dedication to getting to the bottom of this, Minister, the auditor's report shows that you haven't been inspecting the dispatch centres. More than 60% of the dispatch centres didn't have a review between 1996 and 1998. You assure us that all is well. When I asked you before about whether or not we should be downloading ambulance services on to municipalities, you said, "Yes, they can cope. That is not an issue."

We now learn through our paramedics that people are losing their lives as a result of a faulty dispatch system. We've got an auditor who's telling us that more than 60% of the dispatch centres didn't have a review between 1996 and 1998. What are you doing to fix this broken system?

Hon Mrs Witmer: The Leader of the Opposition knows full well that we took all of the information that was provided by the Provincial Auditor very seriously. We have been moving forward in the last number of years in order to ensure the highest level of public safety.

Again I would just say to the member—because unfortunately he didn't hear the response that I had to his first question. I indicated that we were going to be conducting an external review, which he wasn't expecting; he continues down the same path. Again, I would just remind the leader opposite that we are doing everything we can to ensure quality dispatch services. There was a very careful review made of the concerns that had been raised in the region of Niagara, and we are undertaking an external review of the dispatch system there. We are working forward with the AMO group of officials in order to ensure the highest level of standards.

The Speaker (Hon Gary Carr): The minister's time is up. Final supplementary?

Mr McGuinty: Minister, whatever you're doing, you're doing too little, too late.

Presumably if you're conducting an external review, it's because you recognize that there are some serious problems internal to the system. If that is the case, why do you insist on going ahead and transferring a broken-down ambulance system to our municipal partners, who are saying, "We can't handle it; we can't cope with it. The system is already broken. Stop thrusting it down our throats"?

If that is the case, I ask you again, if the system is broken, why do you insist on downloading it on to our municipal partners?

Hon Mrs Witmer: The member knows full well that already 14 of 49 municipalities have successfully assumed the responsibility for ambulance provision. Furthermore, the member refuses to acknowledge publicly that it was never the province that delivered the ambulance services to begin with. The majority of them were handled either by hospitals, the private sector, the volunteer sector or a municipality. The province was only responsible for 10, and now we have a partnership between the municipalities and the province.

1440

DOMESTIC VIOLENCE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Premier, today the Ontario Association of Interval and Transition Houses presented the Legislature with 21 roses that symbolized the violent deaths of women and children in the province who died as a result of domestic violence. They gave 16 red roses to symbolize the 16 women who have already died this year; four red roses to symbolize the four children who have died as a result of violence; one white rose to symbolize the women across the province who may have died as a result of domestic violence, but where we yet don't know about it.

During this legislative session, a number of women's organizations have asked your government to come forward with money for transition homes, for a crisis line and for a number of other measures that would help prevent and protect women and children from domestic violence. Premier, can you tell us, do you think your

government has done enough to prevent violence against women and children in this legislative session?

Hon Michael D. Harris (Premier): I appreciate the question. I appreciate the member's and the party's interest and concern in the whole area of domestic abuse, particularly wife abuse and family abuse, as it affects, we all know, primarily but not exclusively women and children.

I would venture to say that I would never be able to stand up and say we will ever have completely resolved the problem, partially I suppose because there are limitations on what governments can do. I can tell you that we treat the matter very seriously. We have made a number of enhancements since we have taken office. We have made a number of enhancements both legislatively and with dollars and intervention programs. We have not done everything that the group you mention specifically has asked for because we fundamentally disagree with some of the areas they are lobbying for. We are trying very hard to ensure that women who are in abusive situations are not financially dependent, and we don't think you solve that problem by making them financially dependent on the state. We think you solve that problem by giving them independence, and we spend—

The Speaker (Hon Gary Carr): Order. The Premier's time is up. Supplementary.

Mr Hampton: Premier, 20 women and children have died already in the province this year as a result of domestic violence. Earlier this fall, 150 women's organizations came here, and in the midst of this economic boom that your Deputy Premier just boasted about, they asked you for \$350 million to provide affordable housing, to provide shelters, for second-stage housing, for legal aid services so that women who are trapped in an abusive situation could begin the process of getting out. Your government, despite your boasting here today about all the money you've got, couldn't find one cent. The most you could do was to reannounce something that you announced a year ago.

Premier, on the day that your Deputy Premier boasts about how good Ontario's economy is and how much credit you deserve for it, don't you think you could find at least some of the money that would help those women and children achieve a greater sense of independence so fewer of them would die?

Hon Mr Harris: We are a government, as you know, that has wanted to focus more resources on those most dependent and fewer resources and opportunities on those who we feel are in a position to help themselves. There's no question, when you deal particularly with women in abusive and domestic violence situations, we treat them as the most vulnerable.

I will say to you that we do have a fundamental disagreement with you and your party because we had a record of five years of abysmal failure and disaster when you tried it for some of the recommendations that have been put forward to us.

Every nickel that we think will be of benefit to those in abusive situations we will find and we will allocate and we will spend. But we are not going back to end

work for welfare and increase welfare rates and create government dependency at the same time as we're trying to eliminate that financial dependency that is at the root of a lot of domestic violence and why they can't leave those situations. That's replacing a wrong with a wrong. You advocate it; some others advocate it. It's been tried and failed, and we won't do it. But we will spend every nickel we can—

The Speaker: Order. The Premier's time is up. Final supplementary.

Ms Marilyn Churley (Toronto-Danforth): Premier, I don't think you understand what these women are telling you. They are telling you that it is your cuts and your deregulation that are causing some of them to go back home after fleeing an abusive situation, and some of them not being able to leave.

Today, front-line workers for domestic violence released a book of stories by women and children who tell what it is like to be bruised and battered and unable to escape. These front-line workers are hoping that when you read real-life experiences of women, you will take action today and listen to them. They want action on affordable housing, shelter and second-stage housing, and a province-wide telephone crisis line so that abused women can get help no matter where they live in Ontario. This represents a handful of services that give women the power to leave domestic violence. That is what these women are trying to tell you, and you are not listening.

I ask you in all seriousness, how many more women have to die before you will bring in even one of those emergency measures?

Hon Mr Harris: We've already brought in a lot of those emergency measures, as you know. We have responded to a number of the requests. Many of the things we have been asked to do, we have done, or they are under active consideration. But there are some things we are being asked to do that are not under active consideration because they have been tried and have failed in the past.

If this government felt for one second that another billion dollars would 100% solve the problem, that would not be a barrier. We are interested in solving this problem, as we are all problems that come before us. If dollars were solely the answer—when you were in government, I think your total funding for violence against women was \$97.9 million. We are now up to \$134.1 million, substantially more, far in excess of the rate of inflation, even though you left us with an \$11-billion deficit. We will find more dollars for more programs as long as we believe we are going to get—

The Speaker: Order. The Premier's time is up.

MARRIAGE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier, and it is about the Premier's government's dedication to human rights. The Metropolitan Community Church, a church with the legal right to perform marriages in Ontario, will begin performing

same-sex marriages in the new year. Reverend Brent Hawkes of the church says he will utilize an age-old Christian practice known as the publication of banns, a practice that is recognized in section 5 of the Ontario Marriage Act.

Premier, since the publication of marriage banns is recognized in Ontario law, will you pledge that your government will not interfere with the right of the Metropolitan Community Church to issue legally binding marriage licences to same-sex couples?

Hon Michael D. Harris (Premier): No.

Mr Hampton: Premier, this is a method of marriage under Ontario law. Ontario law says that where you have the publication of banns and a couple are prepared to enter into that form of marriage ceremony, a licence to marry in Ontario is legally recognized. So tell us, why would you interfere? Why would you not act according to law? This is an age-old Christian practice which is recognized in law in Ontario. Why would you interfere with that?

Hon Mr Harris: I didn't say I would. You asked me, would I commit not to? Let me be very clear. I know the Metropolitan Community Church has stated that they plan on performing marriages for any couple willing to go through the marriage banns.

Here's what the province of Ontario does and can do legally. We are responsible for who will marry: a registered clergyman or others if we—there is a consultation process looking at who, for example, can marry. Just who has the capacity to enter into a marriage is under exclusive federal jurisdiction. We take direction from the federal government. I can tell you that sections 91 and 92 of the Canadian Constitution clearly state this. They have exclusive jurisdiction over who can enter into a marriage.

Now, common law has established—I'm happy to share with you my understanding of the federal position—that only a man and a woman can marry. That has been the position of the federal government. As far as I know, it still is and it therefore is the position, quite willingly, of this government.

1450

AFFORDABLE HOUSING

Mr Dalton McGuinty (Leader of the Opposition): I have a question for the Premier. I want to talk to you about your made-in-Ontario rental housing crisis. In Toronto, the vacancy rate for apartments is now down to 0.6%. In Ottawa it's 0.2%, the lowest in the country. That tells us there are two vacant apartments for every 1,000 units. We have lived under your regime for quite some time and we are paying a terrible price. Will you now admit that your policies, when it comes to making sure we have more rental accommodation built in this province, are an abject failure, and will you agree to start anew?

Hon Michael D. Harris (Premier): I think the Minister of Housing can respond.

Hon Tony Clement (Minister of Municipal Affairs and Housing): As the honourable member should know, this tightening of the housing market is something that not only Ontario has experienced. Indeed, throughout Canada the statistics do not lie. They simply say that in Canada the number of completions of rental housing accommodation has declined to under 5% a year. When you compare that to south of the border, it's 15%.

One has to ask oneself, what is the cause of this Canada-wide challenge? The cause has to be, at least in part, the federal government's positively discriminating against the type of housing the honourable member and I both want to see built. Their consideration of the type of active versus passive investment, the insurance costs—these are the kinds of things I would dearly love to have the honourable member's help on when convincing Minister Gagliano or his successor to change the Income Tax Act to allow this kind of housing to be—

The Speaker (Hon Gary Carr): Order. The minister's time is up.

Mr McGuinty: You are the Minister of Housing in Ontario. CMHC tells us we might get 1,500 new units built this year—we might. They also tell us we need 20,000 new units to be built every year. What are you doing to make sure we get those 20,000 units built? We know your policies aren't working. They are a complete and abysmal failure. What we want to know now is, what are you going to do to make sure, for all those people who are coming to this province, that the growth in this province might be accommodated some time soon? What are you doing to make sure we get 20,000 new units built every year?

Hon Mr Clement: The recent CMHC report has indicated that Ontario's strong economy has attracted job seekers from other parts of Canada. That's the problem of success.

I can tell you what we have done that no other government before us has done. We have changed the building code, we have changed the Tenant Protection Act to allow for more renovations and more types of renovation to be done, we have \$50 million more for up to 10,000 Ontario families who need that kind of rental accommodation. So we have put our money where our mouth is.

What the honourable member can help do is ensure it is not just the provincial government that is spending its time, its energy and its money trying to solve this problem. If we had a federal government that was concerned about this, then we'd get somewhere. I take the honourable member's seriousness on this to mean he is going to come up to Ottawa with me to confront Mr Gagliano to get a solution to this problem that is province-wide and nationwide.

COMMUNITY SAFETY

Ms Marilyn Mushinski (Scarborough Centre): My question is to the Solicitor General. I know that community safety is one of this government's top priorities.

During the last election, we made commitments in our Blueprint to increase public safety across Ontario—commitments, I might add, that we have kept. We improved public safety through the Sergeant Rick McDonald Memorial Act, which increased the penalties on criminals who take reckless flight from police. Our government has also passed Christopher's Law, creating the first sex offender registry in Canada. And we dedicated the Ontario police memorial to honour police officers who have died in the line of duty. We put 1,000 net new front-line officers into our neighbourhoods, just like we said we would.

Our government is also committed to continually providing police services with the resources they need to do their jobs. Last Friday, you and I joined in presenting the Toronto Police Service with a new tool to help keep the streets of Toronto safer, and I wonder if you could tell this House and the people of Scarborough Centre more about this pilot project and how it will benefit the Toronto Police Service.

Hon David H. Tsubouchi (Solicitor General): I'd like to thank the member for the question. Yes, last Friday the member for Scarborough Centre joined me in announcing a new tool to keep the streets of the city of Toronto safer. We approved a Toronto Police Service pilot project to test a new alternative to lethal force when apprehending individuals who pose a threat to themselves or others.

The alternative to lethal force is the Taser. The Taser is an option that will increase the safety of police officers and the public, allowing them to subdue an individual from a distance. The Taser emits a pulsating electric current that overpowers the body's normal electrical system to subdue an individual. This is also being piloted in Ottawa and is being used currently in Alberta and British Columbia.

I'd like to take the opportunity just to remind the House that the coroner's jury inquest into the death of Wayne Williams recommended that police services field test the Taser, a less lethal system.

Ms Mushinski: I'd like to thank the minister for that answer. My supplementary question is also to the Solicitor General. At local events, on radio open-line shows and door to door, people I've talked to in Toronto and Scarborough Centre all believe we should be able to live in our communities free from the fear of crime. Our government has made commitments to the people of Ontario to make our neighbourhoods safer.

The Taser is just one of the tools we have given the Toronto Police Service to help them to do their jobs. Could you please tell this House and my constituents about the other resources that our government has given the Toronto Police Service to help keep the streets of Scarborough Centre safe?

Hon Mr Tsubouchi: Once again, I thank the member. Earlier this year, the member for Scarborough Centre once again assisted us in presenting a cheque to Police Chief Julian Fantino for an amount just over \$2.2 million, which represents an instalment for the community

policing program. That represents 250 net new officers on the streets of the province.

We also had given last year just over \$100,000 to the RIDE program. Last Thursday, the member for London-Fanshawe kicked off the GTA RIDE program, along with all the chiefs of police for the GTA, Hamilton, south Simcoe, the OPP, and they were joined as well by Wendell Clark, who is the honorary captain of this campaign this year. The message is, "Don't drink and drive." Clearly we want to get that message out and work with our police services in doing that.

COURT RULING

Mr Michael Bryant (St Paul's): My question is for the Minister of Labour. On November 21, the Ontario Court of Appeal held, in the CUPE decision, that then Minister of Labour, the Honourable Mr Flaherty, "interfered with the independence and impartiality of boards of arbitration ... contrary to the principles and requirements of fairness and natural justice."

So now we have an intolerable conflict of interest. The minister who created a reasonable apprehension of bias is now the person who decides whether the decision is appealed. I just want your assurance as the Minister of Labour that in fact we're going to clean up this conflict of interest. Can you assure this House that the Honourable Mr Flaherty will not be involved in the decision of the Minister of Labour to appeal this decision to the Supreme Court of Canada?

Hon Chris Stockwell (Minister of Labour): I thank the member opposite for the question. Frankly, having read the decision, it was certainly interesting to see that it was decided—

Mr James J. Bradley (St Catharines): Did you read the whole decision?

Hon Mr Stockwell: Yes, I did, and I will read it to you one day, actually.

It was very surprising to see that the decision was that retired judges are not unbiased. They determined that retired judges in fact are biased individuals who couldn't hear these cases. It was a strange conclusion, I thought, considering the fact that they had sat for many, many years on the bench to hear a considerable number of cases and then, upon retiring, suddenly they became biased members of society. I frankly found that surprising.

Can I give you an undertaking that the Attorney General would not be involved in the decision to seek leave to appeal? No, I can't give you that undertaking. The Attorney General is the Attorney General of the province of Ontario. He provides sage and good advice to this government and to cabinet, and I think it would be remiss of us not to seek his guidance considering the leadership he's provided in many cases that have come before us.

1500

Mr Bryant: Minister, that's the problem. The person who will decide whether or not the decision goes up to

the Supreme Court of Canada—his actions are the very subject matter of the appeal. If the decision is sent up to the court, then it's going to look like you're trying to save his bacon. If it doesn't go up to the court, it looks like you don't want the Supreme Court of Canada to pronounce on that.

I know you disagree with the decision, Minister, but the Ontario Court of Appeal has said that the then Minister of Labour created the reasonable apprehension of bias.

As you know, it's not just that justice is done; it's that it is seen to be done. We need the appearance of impartiality. All I'm asking for is that a person who is not the subject matter of the appeal be making the decisions. What we need to have in this House is some confidence that the decision as to whether this goes up to the Supreme Court of Canada is in the public interest of Ontario and not in the self-interest of the Honourable Mr Flaherty.

Hon Mr Stockwell: The question is absurd, to be perfectly frank. Any question that comes before this government with respect to seeking leave to appeal is decided upon initially by the minister, and that would be me, the Minister of Labour. But that's not where it stops. Obviously, it goes on to consult with the Attorney General, and of course cabinet would make the ultimate decision. To ask that somehow, because the Attorney General was once the Minister of Labour, therefore he should not be involved in taking a decision as important as this is patently absurd. Decisions are made by cabinet on directions from the ministers. I, being the Minister of Labour, would bring it to cabinet, make a recommendation, and cabinet would take a decision. That's fundamentally how all issues are decided upon, and I would think you would expect this decision to follow that parallel line of thought.

PAROLE SYSTEM

Mr R. Gary Stewart (Peterborough): My question is to the Minister of Correctional Services. It is not fair that victims of crime have to see offenders out on the street early when these criminals have refused treatment in prisons. People who have committed crimes and are placed in our institutions repeatedly refuse treatment programs. Because of the federal discount law, they are able to get out after serving only two thirds of their sentence. I believe that's ridiculous. Minister, how will the new responsibilities of the Ontario Parole and Earned Release Board put an end to criminals receiving early release when they refuse treatment?

Hon Rob Sampson (Minister of Correctional Services): I thank the member for Peterborough for the question. Quite frankly, the answer is very simple. If the Legislature deems it appropriate to pass the bill before the House, then those who are in jail in Ontario will have to earn their early release. It won't be a gift granted to them, as the Liberals opposite would rather have it be, that is granted to them as a result of their arriving at the

front door of the jail on the day they begin to serve their sentence. This is not a right that is there to be granted; it's a privilege to be earned.

I say to the member from Kingston, who I believe has said on many occasions, "You should release them all," that that would be the Liberal strategy, the Liberal philosophy, which has been clearly demonstrated by his federal cousins in Ottawa, who have this quota system to dump all the people out of jail. In Ontario, you will have to earn your time out of jail. That is quite clear. In Ontario, you will earn your early release.

Mr John Gerretsen (Kingston and the Islands): Mr Speaker, on a point of order.

The Speaker (Hon Gary Carr): The clock is going to run. Be very quick, because I'm going to be up quickly.

Mr Gerretsen: I would ask the minister to withdraw. I would prefer not to be misquoted.

The Speaker: That is not a point of order. Supplementary?

Mr Stewart: Thank you, Minister, for that response, which I think many people in Ontario, those good-living citizens of this province, wanted to hear. It is reassuring that our government believes that a criminal who needs it should have to undergo treatment before they be released early from prison.

Minister, I understand that the decision-making process for granting early release is a shared responsibility in your ministry causing duplications and overlaps between parole, earned remission and temporary absence programs. How will the board's new responsibilities make a difference?

Hon Mr Sampson: Very simply, the board will be reconstituted as the parole board and the earned remission board as well and they will have the responsibility to review early release decisions for the more serious and violent offenders in our correctional system, those generally serving sentences of 15-plus months. For those serving less time, the release decisions will be made by the local superintendents. But all these decisions, whether they be made locally by the superintendents or otherwise, will be reviewed periodically by the board to make sure that those who are serving sentences that have been allocated to them by our justice system spend their time in jail until it's appropriate that they be released, as evidenced by the fact that they have earned that privilege to be released.

I say to the member for Kingston, who I gather I hit a sore spot with, I'm sorry he is a little bit upset, but the federal government is on record—

The Speaker: The minister's time is up.

CLASS SIZE

Mr Rosario Marchese (Trinity-Spadina): I have a question for the Minister of Education. Parents say that your unfair funding formula is inadequate and is short-changing students. You've cut teachers, and we now have 11,000 fewer teachers while there are 60,000 more students in the system. The result, I think you know, is

bigger class sizes. In York region, class size is the key issue in bargaining for elementary teachers. One grade 8 class at Ballantrae public school has 40 students, and that includes special-needs kids who sometimes are left without a specialized teacher. How can you justify your funding formula that has made class size explode and hurt the education of our children?

Hon Janet Ecker (Minister of Education): I would really caution the honourable member. He might want to check his facts. We do have more teachers this year than we did last year.

Mr Marchese: I love this minister. She's the best, I tell you. I say one thing; she says another. I give facts; she says, "No, no. The facts are different." Forty-two per cent of elementary classrooms have 26 or more students. By the way, I point out that since you came to power, class sizes for grade 2 students have increased by more than 10%. We give facts; she gives us other facts. I agreed with you when you said in September that the explosion in class sizes is a disturbing trend across Ontario. That was an admission of yours, not mine, and I agree with that. It is a disturbing trend, and what we need is action.

You know, Minister, that reducing class size is the only way to improve reading, math, participation and discipline problems. Forty kids to a class is 15 more than experts know is good for kids. You can make a difference. Make 25 the maximum number of kids for grade 8. Will you or can you do that?

Hon Mrs Ecker: In the interest of accuracy here in the House: he makes claims, I provide the facts. But I hope the honourable member would subsequently, based on his comments today, support Bill 74, which gives the government the power to require boards to fully report on what they're doing with the increased resources for smaller class sizes. I agree with the honourable member that if they're taking the \$263 million we gave them this year and they're not applying it to class size, we need to know about that. We need to have the ability to fix that.

The other thing: I honestly, again, suggest to the honourable member that he needs to do some re-search. I recognize that class size is very much an important quality indicator for parents and teachers, which is why we put the \$263 million out there. But when you look at the research, it does not track testing results and outcome the way the honourable member stated it did.

1510

DRIVER LICENCES

Mr Pat Hoy (Chatham-Kent Essex): My question is for the Minister of Transportation. The public auditor has repeatedly warned the Harris government that its headlong rush to privatize is putting Ontario lives at risk—it happened in Walkerton where seven lives were lost—yet you continue on this insane course. It has been shown that privatizing jails will endanger lives, as would privatizing air ambulance, where four patients have died.

Bill 137 will allow you to privatize driver examination, vehicle inspection and the transportation of dangerous goods on our highways. It will put lives at risk. Three Christmases ago, four horrible deaths caused by flying truck tires forced you to provide the necessary resources to Ontario's road inspectors to correct the problem. Have you learned nothing from this, nothing from Walkerton? You are abdicating your responsibility to protect the public, and for what? The auditor has told you that you haven't saved any money. What is your almighty rush? You are putting lives at risk. Will you at least agree to broad public hearings that will allow Ontarians to be heard?

Hon David Turnbull (Minister of Transportation): The member, as usual, is absolutely wrong. Since we became the government, we have substantially reduced the incidence of flying truck wheels. The member should check his facts, because he's just dead wrong.

With respect to the question of driver exam centres, we've been very clear. We're looking toward improving standards. MTO will continue to set and enforce high standards. Our government will make its continuous effort to make our roads safer. Since we became the government, we now have the fourth-safest roads in the whole of North America. That's a lot safer than when you were the government, sir.

Mr Hoy: In terms of the flying tire issue, it took four deaths before you made any moves of any significance there.

Minister, you know very well that the devil is in the detail, and your bill gives none. It's the new Harris trick: when in doubt, give yourself a blank cheque. With Bill 137, the power is in the regulations. What the public won't see can't hurt you; is that it? If you have no intention of privatizing these services, prove it. Make it clear in the bill that the public safety will be served; that these services cannot be farmed out to a company whose bottom line is profit, not public safety. Will you do that, Minister? Will you allow broad public hearings and meaningful amendments that will spell out exactly how public safety will be protected?

Hon Mr Turnbull: I can quite clearly see that the Liberals are absolutely unwilling to look at any other way of delivering services. You left a mess. You didn't spend money on roads when you were the government. We inherited a mess. When your government was in power, when the NDP was in power, they didn't spend that and our roads were less safe. Today they are a lot safer than when you were the government.

We are committed to safety. We're also committed to finding better ways of delivering services, because customers should be the king, and we will continue to enforce high safety standards.

RETAIL STORE HOURS

Mr Wayne Wettlaufer (Kitchener Centre): My question is for the Minister of Consumer and Commercial Relations. I have a question about businesses being

able to open on statutory holidays. In the past few days there's been quite a lot of attention paid to an appeal that was made in the Superior Court. Last Thursday's decision to overturn the 1996 ruling that opening on statutory holidays was unconstitutional has created some confusion among consumers about when exactly stores can and cannot open. I thought I was pretty clear on the decision until I heard all the questions from my constituents on the weekend. Minister, I wonder if you could please clarify for the House just what was involved in last Thursday's decision and how it will affect the way stores in Ontario currently do business.

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): I thank the member for the question. I think there was some confusion that stemmed primarily from news reports that were somewhat misleading, to say the least. The case really changed nothing. There was a decision in 1996 which was appealed by the government, and nothing really changed during the interim until that appeal was heard. The law was enforced during that period of time by municipal police services.

As the law was changed in 1996, there remained eight statutory holidays under the Retail Business Holidays Act. They are New Year's Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, Thanksgiving and Christmas Day.

Mr Wettlaufer: I've also heard some concerns that stores will not be able to open on Boxing Day, which some people mistakenly believe is a statutory holiday. We all know that Boxing Day sales are almost as much a part of Christmas as eggnog and mistletoe. Some stores report to us that half their annual sales are recorded on Boxing Day. Minister, could you please explain how Boxing Day is affected by the Retail Business Holidays Act and whether or not shoppers can look forward to rushing to the malls on December 26.

Hon Mr Runciman: I indicated the days that fall under the Retail Business Holidays Act, and Boxing Day is not one of them. It was removed by the Harris government in 1996 in light of consumer demands and the realities of the day. Given the economic good news that we heard from the Minister of Finance earlier today, I think retailers can expect full stores come Boxing Day, given the booming Ontario economy under the Harris government.

SOINS DE LONGUE DURÉE

LONG-TERM CARE

M^{me} Claudette Boyer (Ottawa-Vanier): Ma question s'adresse à la ministre de la Santé. Il y a quelques semaines, j'ai parlé au nom des commettants d'Ottawa-Vanier qui ont vu annuler leur chirurgie à la dernière minute et se sont vus placer une fois de plus sur une longue liste d'attente. Plus je parle aux commettants et commettantes d'Ottawa-Vanier, plus ils partagent avec moi leurs inquiétudes face à l'état dégringolant des hôpitaux d'Ottawa-Carleton.

These are people in my riding whose surgeries are being postponed and who are being placed once again on a waiting list because there are simply no beds available to them. This is happening because too many short-term beds are being occupied by long-term patients who should be in separate institutions.

Minister, you continue to trumpet the success of your government in addressing the critical lack of long-term-care beds, and yet what you are saying is completely at odds with what health care professionals and patients are telling me. I want to know what you say to my constituents when they ask you why they are waiting longer than ever before for medical treatment at a time when Ontario is enjoying one of the longest economic expansions in its history.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): The member probably knows that at this point in the history of Ontario, the \$8.3 billion that we have made available to hospitals as of this year is the highest level of funding we have ever provided to hospitals in this province.

I would also just remind the member that our government has increased health care funding each and every year since 1995, from \$17.6 billion to over \$22 billion today. The only time we've seen any decrease in health funding was from the federal government, when they cut the transfer payments. So we continue to make the money available for all our health care partners, including the hospitals.

Mr Boyer: Minister, the people of Ottawa-Vanier are once again left shaking their heads at your response because they know that what you are saying is completely at odds with what they are experiencing.

La semaine dernière, j'ai reçu un appel d'une dame qui était cédulée pour une opération majeure qui à la toute dernière minute a été annulée. Cette femme avec de jeunes enfants avait fait des arrangements pour qu'un membre de sa famille d'ailleurs dans la province puisse prendre des vacances pour venir l'aider après sa chirurgie.

Minister, her surgery and many others are being postponed because 12% of short-term hospital beds in Ottawa-Carleton are occupied by people who should be in long-term-care institutions. The reason they are not in long-term-care institutions is that these facilities are short 1,900 beds in Ottawa-Carleton alone.

You are the person sitting at the Harris cabinet table who is responsible for fighting for health care in Ontario. I want to know how you, as Minister of Health, can justify what is happening in Ottawa. When are you going to meet the need for 1,900 long-term-care beds in Ottawa-Carleton in order to free up short-term beds and put an end to extensive waiting lists?

1520

Hon Mrs Witmer: The member is right. I am the individual who's responsible for fighting for health care dollars and I am very proud of the fact that we were able to convince the federal government to give back to the provinces the money that they've taken away.

I would also ask you, are you not aware of the fact that it was your government, in 1988, that stopped the construction of long-term-care beds? We know there are people waiting in acute care hospitals who need long-term-care beds, and that's why we're building 20,000 long-term-care beds. That's why my assistant deputy minister of health last week went to Ottawa in order to find out where we can place the interim long-term-care beds. But if you hadn't stopped in 1988, we wouldn't be in the situation we're in today.

RURAL JOBS STRATEGY

Mr Bill Murdoch (Bruce-Grey-Owen Sound): My question is to the Minister of Agriculture, Food and Rural Affairs. I want to remind this House that this question will not bring the government down, so don't get too excited about it. It's one of those questions that has to be asked from time to time.

Minister, last August you announced a project in my riding, funded by the rural youth job strategy. That was designed to provide investment and jobs for young people by promoting excellence in manufacturing. I, along with many others in my area, am proud of the Excellence in Manufacturing Consortium started in Owen Sound, which has gone on to other areas.

It's an idea that shares learning, expertise, knowledge and resources to meet the training needs of its members and provides great opportunities for the residents of Grey county and Bruce county. I also want to mention that when this consortium got together, I was proud of them for the fact that they got through the red tape and all the bureaucratic mess that it takes to get these grants. They did a real good job if it, I want to tell you that.

Can you give me an update on this project? Is the project meeting its goals?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): Thank you, to the member for Grey-Bruce, for the question and for the opportunity to talk a little bit about the ongoing success of our rural job strategy program.

The member refers to the internship program we funded in partnership with the Excellence in Manufacturing Consortium. This is an \$8.2-million project with the goal of creating over 800 intern positions in many communities in the member's area over a two-and-a-half-year period.

Today I'm pleased to report that the project has retained 80% of the interns who have been given this opportunity, many of those in full-time jobs. This is an extremely high level of success and it gives us confidence that this project is helping meet the goals of giving our young people opportunities for employment closer to home.

This project is just one of many across the province that are successfully helping young people get their careers off to a good start.

Mr Murdoch: I want to thank you for that, Minister, and I hope the opposition heard that, that this project is

working fine. It's working fine for people in my area, like Owen Sound, Markdale, even down in Mount Forest. I just want to make sure you understand that, because a lot of times you get up and all you can ask are negative questions. Sometimes we need these positive questions because the government is doing positive things.

I also want to throw something in, and this isn't on the paper, but I want to make sure, Minister, that we can have some more money for our area. I want to make a bid for that, because we've done such a good job in Owen Sound. We always seem to be leading the province, anyway, so that's nothing new.

But has the youth strategy been working in this way in other areas? How is this working in other areas? I want to know how it's working in other areas, plus I want your commitment that you will work with us and make sure we get some more money.

Hon Mr Hardeman: I want to assure the member that the people in his community did a very good job in implementing this program.

The rural youth job strategy was introduced in the 1998 budget, a \$35-million program that's aimed at enhancing training and employment for young people in rural Ontario. We are finding that this program is helping to provide opportunities that may not have existed before, and these opportunities are leading to full-time opportunities in many cases.

So far 66 projects, representing a \$40.3-million investment in the young people of rural Ontario, have been approved. These projects have created about 7,000 jobs, along with providing 3,000 opportunities for work experiences. In all, well over 10,000 young people have been given opportunities that they may not have had if not for this strategy. Mr Speaker, I want to point out to you and to the members here today, and the public as well, that the rural youth job strategy is still ongoing.

The Speaker (Hon Gary Carr): Order. The minister's time is up.

SITE OF EARLY PARLIAMENT

Mr Rosario Marchese (Trinity-Spadina): I want to thank you for leaving enough seconds so that I can ask the Minister of Culture this question. I've waited for six weeks. I am calling on you and your government to save the site of Ontario's first Parliament, where you know artifacts and foundations have been uncovered. The site is in danger of becoming a car lot, as opposed to being a part of a living culture for Ontario. Many Ontarians are outraged that you are prepared to stand idly by while this significant heritage site is paved over. I tell you it's the cradle of Ontario's democracy. I'm calling on you to purchase this site, the site of our first Parliament, and do so for the people of Ontario.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I'd like to thank the member opposite for his question. Of course, all Ontarians across this great province are interested in the first Parliament Buildings. Some

may know that there is the potential we've found some foundations down on about Front Street. It may be an important archaeological find. We've had a licensed archaeologist there for a number of weeks. He has to provide a report to us about the find. We can't jump into this before we know exactly what has been found. We've gone back and we've protected the foundations by putting dirt back over them so that we have all the precautionary measures taken—

Interjection.

Hon Mrs Johns: I'm glad you know that. I want to show you that we've made every effort to ensure that we're taking care of these Parliament Buildings. When we receive the report, when we understand the ramifications of the report, the government will be making decisions about what we should do to ensure that the history of the province of Ontario is protected and there for future generations.

PETITIONS

SAFE STREETS LEGISLATION

Mr Bruce Crozier (Essex): I have a petition signed by hundreds of constituents across the province to the Legislative Assembly of Ontario:

"Whereas charities such as the Muscular Dystrophy Association of Canada, Goodfellows, the Canadian Cystic Fibrosis Foundation, firefighters and many others participate in fundraisers on streets, sidewalks and parking lots;

"Whereas the Safe Streets Act, 1999 effectively bans these types of activities, putting police forces in the position of ignoring the law or hindering legitimate charities; and

"Whereas charitable organizations are dependent on these fundraisers to raise much-needed money and awareness;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We ask that the government of Ontario amend provincial legislation by passing Bill 64, the Safe Streets Amendment Act, 2000, to allow charitable organizations to conduct fundraising campaigns on roadways, sidewalks and parking lots."

In support of this petition, I sign my signature and give it to Andrew to take to the Clerk's desk.

PARENTAL LEAVE

Ms Shelley Martel (Nickel Belt): I have a petition that's signed by over 400 people that's been given to me by Laurell Ritchie of the CAW. It reads as follows:

"Whereas Ontario's Employment Standards Act provides vital job protections for new parents on parental leave, including reinstatement to their previous pay and job, accumulated seniority while on leave, continued par-

ticipation in workplace pension and health benefit programs, and prohibitions against discriminatory treatment; and

"Whereas unemployment insurance parental benefits have been extended to 35 weeks effective for a child born or adopted on or after December 31, 2000, changes long sought by women's groups, labour groups and others and in keeping with the modern provisions in many European countries; and

"Whereas parental leave benefits are distinct from pregnancy benefits, this means that a total of 50 weeks of EI benefits will be available to a natural mother who qualifies for EI and serves a two-week waiting period; and

"Whereas the federal government, the Quebec government, and more recently, the governments of British Columbia and Nova Scotia have amended their legislation to allow for at least 52 weeks' combined pregnancy and parental leave for a natural mother and at least 35 weeks' parental leave for a natural father or adoptive parent; and

"Whereas the government of Ontario has refused, without just and good cause, to amend the Employment Standards Act in a timely manner, effectively denying parents access to the new EI benefits since they would otherwise risk their jobs at a time when the security of their employment and working conditions is most critical;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to amend the Employment Standards Act of Ontario forthwith to extend the current parental leave and normal protections of workers' jobs and working conditions by 17 weeks, effective December 31, 2000."

I've affixed my signature to it. I'd ask the government to pass my fair parental leave bill immediately so these provisions could come into effect.

The Acting Speaker (Mr Bert Johnson): I want to remind those in the gallery that we don't have conversations. Could I ask that somebody go up into the members' east gallery, please.

Further petitions?

1530

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): Speaker, I agree with you on this. The member for Peterborough was certainly disturbing me and I have no doubt he's disturbing you. But I am going to read on behalf of the constituents of my riding of Durham a petition—and by the way, I'm getting thousands of these, all authentically signed.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable"—sadly—"to

register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked tirelessly together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to immediately pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles," when they register vehicles.

I'm pleased to give this petition to Rose, who will present it to the table, who will then acknowledge this to my constituents in the riding of Durham.

PHOTO RADAR

Mr Pat Hoy (Chatham-Kent Essex): To the Legislative Assembly of Ontario:

"Whereas Mike Harris made the decision in 1995 to cancel the Ontario government's photo radar pilot project before it could properly be completed; and

"Whereas two Ontario coroners' juries in the last year, including the jury investigating traffic fatalities on Highway 401 between Windsor and London in September 1999, have called for the reintroduction of photo radar on that stretch of 'Carnage Alley'; and

"Whereas studies show that the use of photo radar in many jurisdictions, including British Columbia, Alberta, Australia, many European countries and several American states, does have a marked impact in preventing speeding and improving road and highway safety, from a 16% decrease in fatalities in British Columbia to a 49% decrease in fatalities in Victoria, Australia; and

"Whereas photo radar is supported by the RCMP, the Canadian Association of Chiefs of Police, several police departments, including many local Ontario Provincial Police constables ... and many road safety groups;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to demand that the Ministry of Transportation reinstate photo radar on dangerous stretches of provincial and municipal highways and streets as identified by police. The top priority should be 'Carnage Alley,' the section of the 401 between Windsor and London, and all revenues from photo radar should be directed to putting more police on our roads and highways to combat aggressive driving."

It's signed by a number of residents from Stratford, Sebringville and Mitchell, and I affix my name to it.

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): I have a petition regarding this government's ongoing discrimination of northern cancer patients. It reads as follows:

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4

cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

This has been signed by residents of Schreiber and North Bay, Ontario. I agree with them and I have affixed my signature to it.

REGISTRATION OF VINTAGE CARS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): This seems to be a petition that keeps coming back, so I think we've got to do something about this one.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole"—the great member—"and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles."

I have the pleasure of signing my name, and I'm going to hand this to Geoff, the great page in this session of the Legislature.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Ms Caroline Di Cocco (Sarnia-Lambton): "To the Legislative Assembly of Ontario:

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex, and provide funding in keeping with the requests made by families and/or their agents."

I affix my signature to this petition.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): I can hardly believe it, but the petitions keep rolling in and I'd like to get them in. They're like letters to Santa, really. The page Pascale will take this to the table.

The Acting Speaker (Mr Bert Johnson): If you'd like to read it, we'd like to hear it forthwith.

Mr O'Toole: "To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles"—I've heard that before—"and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates"—that's quite sad, actually—"and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked" tirelessly "together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to allow vintage auto enthusiasts to register their vehicles using year of manufacture plates."

I have good news on this. I have been speaking with the Minister of Transportation and I think this will carry—

The Acting Speaker: Thank you.

1540

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex, and provide funding in keeping with the requests made by families and/or their agents."

I'm pleased to hand this petition to Rose, from Chatham-Kent Essex. I have affixed my signature to it.

NORTHERN HEALTH TRAVEL GRANT

Mr James J. Bradley (St Catharines): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to the United States to receive medical attention;

"Whereas many prescription drugs which would help patients with a variety of medical conditions such as macular degeneration, multiple sclerosis, arthritis, diabetes and heart failure are not covered by OHIP;

"Whereas many residents of St Catharines and other communities in Ontario are unable to find a family doctor as a result of the growing doctor shortage we have experienced during the tenure of the Harris government;

"Whereas many assistive devices that could aid patients in Ontario are not eligible for funding from the Ontario Ministry of Health;

"Whereas community care access centres have inadequate funding to carry out their responsibilities for long-term and home care;

"Whereas the Harris government has now spent over \$185 million on blatantly partisan government advertising in the form of glossy brochures and television and radio ads;

"We, the undersigned, call upon the Conservative government of Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising and to invest this money in health care in the province of Ontario."

I affix my signature as I'm in complete agreement. I hand this petition to Andrew.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Pat Hoy (Chatham-Kent Essex): I have a petition from a number of residents from Chatham and Dresden.

"To the Legislative Assembly of Ontario:

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the

communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex, and provide funding in keeping with the requests made by families and/or their agents."

I affix my signature to this important petition.

The Acting Speaker (Mr Bert Johnson): The time for petitions has ended. Before we do orders of the day, I just wanted to make sure we've all had the opportunity to wish the Minister of Agriculture, Food and Rural Affairs a happy birthday today.

Mr John O'Toole (Durham): On a point of order, Mr Speaker: I certainly want to make it clear that I am not challenging the Chair, nor would I ever do that. However, for clarification, on rotation of petitions, is it not true that it's the Liberal, then the NDP and then the government caucus? That's the first part of the question. Depending on the answer to that, I have a part two to the question.

The Acting Speaker: Question period starts right after those other things and it's not question period for the Speaker.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Rob Sampson (Minister of Correctional Services): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 144, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the board of parole a say in earned release decisions, and to change the name of the board of parole, when Bill 144 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered for third reading;

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted; and

That the order for third reading of the bill may then immediately be called. When the order for third reading is called, the remainder of the sessional day shall be allotted to the third reading stage of the bill, the debate time being divided equally among the three caucuses, after which time the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That, pursuant to standing order 28(h), the vote on third reading may be deferred until the next sessional day during routine proceeding "Deferred Votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the Minister of Correctional Services for debate.

Hon Mr Sampson: I'm going to be dividing my time, which is a total of 39 minutes and 54 seconds, I see from the clock, with the members from Stoney Creek, Halton, Peterborough and Northumberland, all of whom have been speaking quite—

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): They each get one minute.

Hon Mr Sampson: No, I think they'll get longer than one minute.

I do want to say a few words as we start off debate this afternoon on this motion before the House as it relates to this very important bill. I want to say to the people watching and listening today that the fundamental principle of the bill before the House, which is the subject of the motion, is that we need to establish some accountability in the correctional system to make sure that we have a system that is appropriately armed, if you will, to help individuals who are working within the correctional service do the best job they possibly can at the tremendous and very difficult challenge that's placed before them by the courts of this province when they sentence somebody to either institutional time or sentences served in the community.

The bill is effectively addressing three fundamental components, one dealing with a framework, if you will, for partnering with the private sector. I know my colleague from Stoney Creek will want to speak, as he normally does quite eloquently, to that particular issue. The second is the tools that allow us to better get a handle on and start to deal with the very serious problem of drug and alcohol abuse within the correctional institutions in this province. The third deals with the concept of earned remission. I'm going to speak to those three points very quickly in reverse order.

As it relates to earned remission, our preference as a government—and we've said this many times—would be that the principle of any remission from a sentence be permanently deleted from the records of the criminal law in this country and this province. But as this province isn't given the authority to deal with writing and changing criminal law, that authority resting in the hands of the federal government, we have to do what we can if the federal government chooses not to deal with earned remission as we would choose. We've made a number of presentations to the federal government through justice ministers' conferences, deputy ministers' conferences, conferences public or private or otherwise, you name them, and we've not been able to convince the federal government to make those changes. Earned remission is still part and parcel of the legislation that governs how individuals are treated in institutions as it relates to their sentences, and we have to deal with that.

The way in which we will deal with it in this province is that we'll make that remission, however it is calculated, something that is earned by inmates in institutions—earned not just by spending your time passively in

institutions, but earned as a result of active, progressive and positive participation in the programs that are deemed appropriate by professional staff in our ministry to help individuals deal with their particular problems in jail, whether they be drug addiction problems, whether they be anger management problems, whether they be other types of criminal thinking challenges. We believe that you need to demonstrate to us that these programs you are going to be having some positive impact on your lifestyle. Why would it be appropriate to have somebody attend drug rehab programs in the institution, continue to participate in drugs and yet still be allowed out after completing two thirds of their sentence? It doesn't seem appropriate. It doesn't seem right. So we will make changes to make sure that inmates in this province earn the privilege—not the right but the privilege—of any early release from jail.

1550

I know one of the members of this Legislative Assembly has debated in private members' business a resolution dealing with drug challenges in institutions. Much has been said during that time and in the debate on Bill 144 so far about the tremendous problem of drugs in jail. I know, to the people watching today, it's hard to actually fathom that one would have a problem with illegal drugs and alcohol in correctional facilities, but that is indeed the case.

How serious is that problem? Well, frankly, we don't know. There are a lot of anecdotal stories about how serious the problem is. Our challenge to the service, if this bill passes, will be to implement a mandatory drug-testing program that, by the way, other jurisdictions have done around the globe to help them deal with the drug problem.

Much has been said in this House about how you need other tools to help deal with that problem, and I agree. I fully agree that other tools need to be used to get a handle on the inflow of drugs in the institutions. But surely you only design those tools and pick from the tool basket that's available once you determine how serious the drug problem is in a particular institution and once you establish the framework that says to those who are participating in illegal activities in jail that there is a meaningful consequence to them continuing to do that.

There is a deterrent factor involved in mandatory drug-testing. There have been numerous studies, and I'm holding some in my hand now, that have been done around the globe by those jurisdictions that have implemented what's called mandatory drug-testing. Those studies speak to the fact that there has been a sizeable reduction in the severity and incidence of drugs, however measured, as a result of a plan that simply says to an inmate, "You are going to be tested. You won't know when, but you will be tested, so you'd better beware. You'd better be on guard. You'd better have a positive focus, therefore, on your rehabilitation and your ability to kick that addiction."

The final point I want to speak to today before I yield the floor to my colleagues is very simply a short com-

mentary on one very key component that hasn't met with a lot of discussion so far but should, I think, as it relates to our partnering with the private sector. We've already heard other members in the debate so far raise the examples of the experiments, if you will, or otherwise, south of the border of partnering with the private sector that have not achieved successful results. I've said many times in this House and outside this House that it is not the intention of this government to import the bad correctional practices of other jurisdictions, whether they be with private operators or with public operators. It's not our intention to import that into Ontario. What we're looking for is a solution that is Ontario-based and Ontario-made, one that says the principle here should be on how the institutions are run and less on who is running them.

I understand the NDP caucus's fundamental objection to having the private sector operate in many jurisdictions that have previously been occupied by the public sector. It's a matter of principle over there. They believe the monopoly should rest in the hands of the public sector for a lot of activities that government is involved in.

The Liberals go back and forth, depending on which particular case it is. The member for Stoney Creek has a really good example which he may speak to shortly.

The fundamental principle has to be that you need to focus on how these institutions are being run and not who is running them, and you need to have a system of accountability to make sure that your focus on how they are being run is constant and public. So a fundamental component of the bill that's before the House and one that really hasn't had a lot of debate so far—and I hope we'll see some shortly—is the principle of local boards of monitors. Frankly, it's a concept we are borrowing from other jurisdictions.

What is a local board of monitors? Very simply, it's a group of local citizens who have an interest in justice issues, or who have previously been employed one way or another in a justice issue, being allowed unfettered access to the correctional system to watch what is going on there and be the eyes and ears of the public for what is going on in that institution. It's had a tremendous impact on the way institutions are run in those jurisdictions where that concept of a board of monitors has been applied.

I say to the members opposite who belittle this principle of a board of monitors that it has even worked in institutions that are being managed and run by the private sector. In one of the facilities in the UK, the board of monitors, in their yearly report—they do a yearly report that's public—have said, "Overall, we, like the chief inspector, find very little criticism here and much to praise." They are talking about a private jail in the UK. "Many of the minor recommendations made by us in this report have already been implemented—proof, if proof be needed, that this is a dynamic and forward-thinking establishment." This is a comment from individuals who have been drawn from the community to supervise the operation of a particular facility in the UK. They look at

everything. They speak to inmates, they speak to employees, they speak to the management, and they help us, as public citizens who only see the jail from the outside, understand very publicly and openly what is happening on the inside.

I say to the people who are watching today and to the members of the Legislative Assembly, I believe this is a very fundamental change in the way in which we believe the business of corrections should be run. It shouldn't be something that is operated in a black box. It shouldn't be something that only gets exposed when something happens that we might not want to have happen in a jail or a correctional facility. It shouldn't be something that only comes up when there's a problem. Public scrutiny of correctional facilities should be 24 hours a day, seven days a week, 365 days a year. That's the principle we are trying to impose on all of the correctional facilities in this province, clearly starting with the much larger facilities that we're building. Why? Because it allows us the tools, as the payers of the bill for correctional facilities, as the managers of those individuals who are sent to our institutions for rehabilitation, to monitor how institutions are being run—not who is running them, but how they are being run. Clearly, I say to the Speaker and those who are interested in this debate, that should be the fundamental focus of government.

Having said that, I now yield the floor to members of the Liberal caucus, I gather, and then we will go back on the regular cycle.

Mr Dave Levac (Brant): To begin the debate, I will be sharing my time with my friend from York South-Weston, my friend from Essex, and my friend from Kingston and the Islands during this debate.

Well, well, well, here we are. Now we're going to talk about the fundamental changes in the correctional system, a very, very important bill, something that fundamentally will change the way in which we provide corrections in our province, so quoted by the minister. Why, then, are we standing to a time allocation motion? There will be no public hearings—none. The public of Ontario will not get their "put" into this question, this fundamental change in the way we provide corrections, this very important bill.

The drug testing that the minister referred to quite clearly did show improvement when it was provided alongside the treatment programs that these inmates so desperately need and that this government has so desperately cut back on over the years for all Ontarians, let alone the ones inside our prisons.

I also want to refer this minister to a letter I received from somebody who has done corrections for over 24 years, a proud professional.

"On December 5, 2000, I have achieved 24 years on front-line service as a correctional officer in the province of Ontario. I find it somewhat ironic that at the same time that the Ontario government is seeking closure to Bill 144, I implore each and every one of you"—referring to members of this House—"to let this bill go to a committee of the House and resist the urge to just push

this bill through. There are many, many officers such as myself"—and, I add here, the general public at large—"that have a vast amount of constructive information that I believe needs to be heard and understood.

"There is nothing in Bill 144 that cannot be achieved by a simple memo from the minister of corrections to his deputy minister and a similar message from the Solicitor General to his deputy minister, with the exception, of course, of the privatization aspect of this bill. This aspect deserves a bill on its own and with full public input. I realize this is not going to happen with this government, so once again I beg each and every member that you at least let the present Bill 144 go to committee so that it can receive at least a portion of the illumination that it deserves.

1600

"I can tell you right from the start that my 24 years of service, combined with the hundreds and hundreds of hours of research, indicate without question that private prisons have no place in Ontario. There are no savings; rates of violence, escapes are many times higher than public institutions around the world.

"With regard to competition, could the two superjails not compete for efficiencies, even being public? What is the competition for? The competition for somebody's money?

"There is also concern at the host community that a private jail will drain economic activity"—this is my interjection: \$3.2 million worth of profit leaving that community—"away from their communities as corporate profits would rather be kept in those Ontario tax dollars working for them in their communities in the form of solid, full-time jobs for Ontarians." Another anecdote of mine: \$120 million worth of economy will be shut down in order to afford one community \$16 million worth of economics.

"I can also tell you that someone is taking drugs in the jail, that it may or may not be his or her choice. With this man's experience, very often inmates are forced by others to take these drugs as a sort of initiation or a demonstration of solidarity. Even with a return to the concept—and I say 'return to the concept'—of earned remissions, we have individually tracked daily remission earnings before, and until recently it was abandoned as a redundant, expensive exercise. You still have to be able to prove why an inmate did not earn full remissions on any given date. So when the early release committee wants to keep Johnny Bad Boy from his full term because he failed his urine test, Johnny Bad Boy's family is going to ask for some documentation as to why Johnny is not coming home, then Johnny is going to say that he was forced to take the dope and next Johnny will apply for and receive legal aid to fight his case before the courts. Johnny will probably win, and then all other Johnnies will launch appeals of their own.

"I am not making this up, as I have witnessed this. This used to happen all too often and was abandoned in favour of the present system of full remission unless you screwed it up. This way, the power is in the hands of the

superintendents and the front-line correctional officers, which does work better.

"The power to force any inmate to complete their full sentence is already in the hands of the minister. As I said at the beginning of this letter, there is nothing new in Bill 144 as it pertains to drugs in jails or remission that is not already in place and doable. The minister can achieve accountability and effectiveness within legislation that already exists. Bill 144 is not needed in this way as it is written. A separate bill should be debated with regard to privatization of correctional services with full public hearings. At the very least, this bill should be allowed to go to committee.

"Please, I implore you to take your time with this bill. Please do not force third reading and pass this bill in haste. Please, set aside the partisanship, take time to listen to the men and women who work in Ontario correctional service.

"This is my anecdote, and the rest of the province. We know what works and what doesn't. Together we can have a correctional system that we can afford to be very proud of, regardless of political stripes."

This was from a 22-year veteran of correctional services.

A couple of short points and I will yield the floor to my colleagues. I want to make sure that people understand that we are talking about the privatization issue, but this bill before us is going to stop that debate. We need to understand very clearly there will not be public hearings on this bill. We've had six public hearings on Bill 101 for the allowing of trails to be created in the province of Ontario regarding snowmobiles. I've sat on that committee. I'm proud to say that was a very well-attended committee. It was very well attended by the public who had an interest in snowmobiling and its consequences for trails and permits across Ontario. We had six separate days of hearings from people from all over northern Ontario and people from southern Ontario. Today we're talking about the fundamental change of how we provide corrections in our system, that our society removes the right of freedom from those who have committed crime, and we're going to change that fundamentally, as said by the minister. He said himself that it's a very important bill.

Question: why no public hearings? It doesn't make sense.

I'll tell you something. I was able to meet with a gentleman by the name of Dave Walker. Here is a gentleman's story that I believe should be told to this House, because it points to the fact that there is a solution that the minister doesn't want to hear about. We're talking about drugs in our system. Let's talk about Dave Walker, an operational manager from Maplehurst Complex. Walker was there with Dixie, his specially trained institutional drug dog—specially trained. I want to make sure that's very clear to the public: a very specially trained dog to work inside a correctional facility—not sniff at an airport, not sniff anywhere else but in a correctional facility. They were familiar faces, Dave and Dixie, in

Ontario jails for almost 11 years before the Tory government came in and got rid of them in 1996.

Interjection: Minister Runciman.

Mr Levac: Yes, then-minister Runciman. Mr Walker's expertise with his dog Dixie is making it clear to Mr Sampson the scheme to drug test inmates will do little to cut down drug smuggling in the jails. Oh, my gosh. From 1985 to 1996, 400 searches were conducted in Ontario jails. Correctional services dogs logged over 2,000 drug finds, found over 250 weapons and caught six escapees, yet this government cancelled that program.

If you don't let the drugs in, you don't have a problem going out. This has put the health and safety of the officers in jeopardy because that program was stopped and these inmates will do anything to get their drugs. The Tory government decided to utilize other dogs, but they weren't trained for this specific task. We've been waiting for three years to see Mr Walker returned. I challenge the government to put him in place before they worry about random drug tests.

The minister tells us that 83% of inmates have substance abuse problems. Where did they get the figure? But they're telling us, "But we've got to sample, for us to know what the real number is." So they're fudging numbers, maybe? They're telling us that 83% have a problem out there, and because that's a large problem we need to do drug tests to make our numbers perfect. What I would like to say very clearly is they've been given the example: the federal government. The federal government uses ion scanners and X-ray machines. The minister kind of fudged on that a little bit and said, at the beginning, that they were too expensive. No, don't spare the expense. Don't let the drugs in, in the first place. You won't have a problem with drug use in the beginning. If you use the dogs and the scanner, you'll stop the drugs from getting in and it'll trickle, trickle, trickle down to nothing before you let them get in. Then you won't have a problem with them on the way out.

Let's focus just a little bit of time back to where we should be focusing this, because I know the minister wants to get us way over there. Let's talk about those big bad drugs over there. Let's talk about privatization. Let's bring that back for a moment, because this our last kick at the cat. This is our chance to tell the public that what the minister's trying to tell you is, "Relax. Take it easy. It's OK. We know exactly what we're doing. We've got everything all taken care of. Everything we've put in place will work hunky-dory." Check the record. How much of all the hunky-dory stuff have you seen out there?

1610

Minister, I'm very much afraid that you've been taking this Chicken Little thing too far in saying that all of the examples that we have worldwide are the bane of the world, and you're saying, "We can fix it." Ontario is the only province, the only jurisdiction, in this entire planet that can make corrections work the way you say they work in the private sector. No one per capita has been successful with private institutions—no one. But

Mike Harris and Mr Sampson are going to make it work. They're going to force it down your throat.

Let's talk about that. Over 135 communities across the province don't believe you; 135 communities and growing are going to say to you, and they've said to you, "We don't want it in our neighbourhood. We don't want privatization because we have done our homework. Mr Sampson has his lapdogs telling us that we're just Chicken Little and the sky is falling and we're going to say how bad everything is." So 135 communities in our province are all a bunch of scaredy-cats and 70%—I keep coming back to this because I want to drive it home—of the people in Penetanguishene, when polled by your own government, said to you, "No, I don't want private prisons. We'll take the publicly run prison; we think it's a great investment. But we want it public." Some 70% of the public in Penetanguishene said to each and every one of the members who sponsored that poll, "No, we don't want it." So what's this government going to do? "You're getting it whether you want it or not."

What did this government say to the 135 communities across the province, to the elected officials in those communities? This isn't just people sending in letters. These are passed resolutions by politician after politician. Every single one of those communities had elected officials at the local level say to the government, "No." How did the government respond? The government sent them a letter that basically said, "You're not getting anything more from our government if it has anything to do with corrections." So there you go. It was just a threatening letter that basically said, "If you don't toe the line, you're not getting anything now or in the future." Shame on you. Shame on you for throwing down the gauntlet to democracy.

What should have been going on was to have a dialogue to find out what's going on. "Let's have a dialogue and discuss with your community the pros and cons." They had done their research and they had done their homework and they wanted to present that information to you. In some communities' cases, all they said was, "We just don't like the idea." One community that I'm very much aware of basically said, "We don't want our institution closed because of privatization." They didn't even say they were against privatization, but they got the same letter. And the same letter said, "You're never going to get anything more of a correctional institution nature across this, forever and ever, amen."

I've got tons and tons of examples, and I know they've been reviewed, but I just want to give you a couple more because it was pointed out that safety is the number one priority. Here's safety. Escapes: between 1995 and 2000, a comparison between private and public sectors was done in California. In the private facilities, with an inmate population of 122,871 inmates, there were 173 escapes. That's a lot. Let's compare that to the public institutions. The inmate population was 160,606. That's a lot more. Guess how many escapes? Any guesses? None? How about 10 escapes, total attempts, compared to 173 with a smaller population.

Assaults: in her paper, *Prison Privatization: Recent Developments in the United States*, Judith Greene, a senior fellow for the Centre on Crime, Communities and Culture, reports that private prisons have an assault rate that is 50% higher than their public counterparts. Additionally, inmate-on-inmate assault is 66% higher. Safety, eh?

Staff turnover: the expertise that we're talking about—the person who wrote the letter, in terms of 24 years' service—guess what? The turnover is 40.9%, because they want to get out of that mess. What is it in the public? It's 15%.

It's not just us who are against this. The chiefs of police are against it, the PAO is against it—that's the Police Association of Ontario. There are many, many groups across the province that are against this plan, against this bill, and I therefore will tell you I cannot and I will not support this. I will continue to fight to make sure the public knows what it's having done to it, instead of for it. For that I thank you, Speaker, and I will yield my time to the member opposite.

Mr Peter Kormos (Niagara Centre): I regret that here we are with yet another time allocation motion before the House, another closure motion, another what will inevitably be a successful motion that's designed not to encourage debate, not to broaden the debate, not to ensure that every member of this Legislative Assembly has an opportunity to contribute to the debate but to end the debate, to shut her down because this government simply doesn't like democracy. This government doesn't like criticism. This government has a very low threshold of tolerance when it comes to having its shortcomings, and there are many of them, pointed out.

That's what happens during the course of debate. You see, this isn't a debate this afternoon about private prisons. It's a debate about this government's motion to kill debate about their plans to turn over the prison system in Ontario to their, the government's, corporate American for-profit private prison operators, the Wackenhuts, the Corrections Corp of America, with track records of their own that are far from enviable, and with the legacy of fiasco after fiasco in privatized jails throughout the United States and, yes, in England and in other parts of the world.

The government is trying to cloak this under the guise of fighting drugs in jails. It's trying to cloak this under the guise of somehow making a meaningful change to how statutory remission is acquired or indeed rescinded. The government is cloaking this under the guise of somehow trying to talk about these community-based panels as some sort of progress in corrections.

The problem is, I have less and less time to listen to the minister of corrections when it's him talking about corrections because I think I've heard about all he's had to say, ever will have to say or ever will be capable of saying about corrections. As a matter of fact, I'd heard all this minister of corrections had to say about corrections a year and a half ago, after I heard his first comments when I was up in Penetanguishene with him at that public

citizens' meeting. I heard what this minister had to say about corrections. It wasn't very impressive.

The poor minister just doesn't have a handle on what's going on. I suspect he has no real passion for it. I suspect he has no real interest in it. I suspect his sole job as minister of corrections is to effect the transfer of corrections from the public sector, where there's public accountability and where public servants who are professional, who are trained, who are skilled, who are committed—our correctional workers as we have them now—are traded off for the megajails, the poorly trained staff, the poorly paid staff, the low levels of commitment of staff in the private sector.

How do you make money in a private jail? It's not difficult. It's easy. You make money by housing the biggest number of prisoners, the biggest number of inmates, and by employing the fewest number of staff and paying them the lowest possible wages. I also can't avoid the observation that the timing of this announcement, "Oh, let's get tough on drugs in jails," as if somehow Mr Sampson—I'm sorry, the Minister of Correctional Services as he's more appropriately referred to. I understand that, Speaker. Sometimes I get carried away. I rely on and look forward to your interventions that will keep me on the path, that will prevent me from straying as I'm wont to do from time to time. I value those interventions on your part, Speaker.

The minister of corrections all of a sudden went, like that old fellow—who was it?—Archimedes jumping out of his bathtub, "Eureka, there are drugs in our jails." Well, no kidding, Minister. You just discovered that? How long have you been the minister? Why haven't you spent a little more time, as you're travelling around Ontario in your limousine and in the government jet, talking to correctional workers instead of to your high-priced help, instead of to the lobbyists for Corrections Corp of America, Wackenhut and others like them, and instead of to that tight circle of Reform Tories who want to abandon everything that has ever been built by communities, by the public collectively, and handed over so that huge profits can be made by your corporate friends, and almost inevitably American corporate friends?

1620

Had the minister been spending more time talking to correctional workers, the staff in our correctional institutions, then he might not have been as shocked as I'm sure he was, because the auditor was certainly shocked. I have not seen so many corrections-related criticisms in an auditor's report in my 12 years here. Good God, the corrections system is being gutted. There is a Snobelenesque crisis in the making, in the works, in the hopper. Look at what the auditor has to say about this cook-chill facility, another great brainstorm from these guys over there: an increase of almost 100%, from the original estimate of five million bucks to \$9.5 million—almost doubled in the cost of this facility, which still doesn't have the capacity to provide or create or produce or put together or cook all of the foods, all of the meals that are necessary for some 16,000 prisoners here in the province,

when in fact it can only produce 15,000 a day. What are they going to do? Get a thousand takeouts from Wendy's, McDonald's, Burger King, Harvey's or whatever happens to be the fast-food joint of choice in that particular jurisdiction or neighbourhood? This big cook-chill facility—"Oh yes, we're going to whip things up." Of course, it involves a huge investment on the part of the taxpayer, huge losses of money—a disaster. Equipment costs for the retrofits were estimated \$100,000. What did they end up being? Almost four million bucks. Like I said the other day: the government that couldn't organize a drunk-up in a brewery. You just don't have the capacity. The auditor's report is replete with example after example.

Let's move from the cook-chill on to Camp Getaway, another privatized young offender facility, another privatized correctional institution, done with much fanfare, to be fair, by this minister's predecessor: Camp Getaway, Camp Turnaround, Camp Run-Amok, as some have labelled it. Remember, that's the high-security, maximum security young offender facility, with some of the most dangerous young offenders in this province, privately run for profit. What do they do to accommodate these young darlings? They leave the doors unlocked, they leave the company van parked outside the door, keys in the van and inevitably enough money in the glove box to provide at least one drive-through at a McDonald's, enough for literally the vanload of kids, some of the most dangerous offenders in the province, who don't even have to scale the wall to get out of Camp Getaway. You just turn the doorknob because the door was left unlocked. They didn't have to run in the dark of night through bushes to get away from guards, because the facility so conveniently leaves a van parked with the keys in it. These kids didn't have to jump the wires. They didn't even have to show some of that basic level of skill when you hotwired a car in my day, where I come from, that you had to have if you were ever going to attempt something like that. They left the keys in the van for fear that the little darlings might have trouble jumping the wires or hotwiring the ignition, and at least half a tank of gas.

One of the most disappointing things, as I understand it: the van contained all the crepe paper and plastic plates and cups and forks and knives that were supposed to be set up for the opening day ribbon-cutting celebration for the minister the next day. These escapees wrecked the minister's day, no two ways about it. But they also laid the groundwork for what is inevitably going to be more of the same when we witness privatized prisons here in Ontario. I tell you, the minister isn't approaching this on an experimental basis, not by a long shot. The minister is hell-bent for election on this one. He's going for broke. He's going full blast to that immediate short-term goal of full privatization.

One of the problems that this government should start understanding they don't get yet. Britain privatized a lot of its jails—some of the same operators that we're talking about, the Corrections Corp of America, the Wackenhuts, the for-profit American corporate operators, the

ones who haven't shown a great deal of expertise at running prisons, who show a whole lot of skill at sucking profits out of a country or out of a jurisdiction—and do you think the profits they made in England stayed in England? Of course not. They flowed back to the United States. Do you think the profits that they propose to make here in Ontario are going to stay in the province? Of course not. They're going to flow back into the United States. Those are public tax dollars being used to generate private profits, not a penny of which is going to remain here in the province. And these guys call that good management? I call it outright foolishness.

Surely somebody has got to be under a great deal of pressure to acquiesce to that kind of demand from the private corporate jail operators. What do they have on you guys? What is it? What is it that they've got so much leverage on you that you will let them plunder the Ontario economy and use Ontario tax dollars to generate private profits, not a penny of which is going to remain here in the province? Something is going on here, and I'm afraid we've only seen the tip of the iceberg so far.

The proof is in the pudding, because the government doesn't want this issue debated any more. That causes me a great deal of concern. It generates a whole lot of suspicion about exactly why it is that this government doesn't want to see this exercise being debated. It causes a great deal of suspicion, because this government made it very clear from day one. We've had what, two days of debate on Bill 144? I think that's it. Two days of debate and the government's saying, "Shut her down." My goodness, these are the guys who wanted a 42% salary increase. Then they said, "OK, we'll forgo the 42%; we'll for 32%," and then said, "No. Let's just split the difference, make it 17%." Yet they don't want to debate legislation. They don't want to rise to their feet and debate the bills that are being presented to this House, and they want salary increases? The more commonsensical proposition would have been salary reductions—not increases.

The minister may not spend a whole lot of time—as a matter of fact, he hasn't spent any time talking to correctional workers, but there are other people around here who have, thank goodness. I, for one, have spent a great deal of time talking with correctional workers across the province in any number of communities and at any number of institutions. Just the other day, Thursday morning, I was at Mimico Correctional Centre down there in what used to be the old town of Mimico, west end Toronto. You've already been introduced, by reference to his name and his work, to Lieutenant David Walker, right here, a made-in-Ontario correctional officer; a professional correctional officer with many years of experience; a correctional officer who has a great commitment to continuing to build strong, effective, meaningful corrections and rehabilitation here in Ontario.

You see, that wasn't the first time I've been with Dave Walker. I first met him around three years ago when he came down to my constituency office, and I was shocked when he told me what this government, the Harris

government, had done to him. Lieutenant Dave Walker, one of Ontario's outstanding correctional officers, also had been operating a drug detection program that was showing results that had never been met before, and haven't been met since. He'd been in corrections for over 20 years. He had worked at Hamilton-Wentworth Detention Centre; at the Brantford Jail; at the Toronto Jail—the Don jail; Maplehurst in both the correctional centre and the detention centre.

1630

Most of his fellow correctional officers and workers knew him as the dog handler, dog trainer who serviced Mimico—yes, that very correctional centre that I was at with a whole bunch of correctional workers, including obviously the correctional officers. Lieutenant Walker would tell you that most of his correctional worker brother and sisters would know him as the dog handler/trainer who serviced Mimico Correctional Centre with his drug searches and escapee recovery for that period of 11 years from 1985—to when?—to 1996. That's when Lieutenant Walker was cut off at the knees, when he was told his services are no longer required.

If Lieutenant Walker were here today, he would tell you as he told folks at Mimico on Thursday past, that in that period of 11 years, he and his dogs—Dixie is the latest one; there were predecessors to Dixie's role—conducted over 400 narcotics searches, had over 2,000 drug fines. They were able to find the drugs before the drugs were taken.

It's too late, my friend the Minister of Correctional Services, when you get handed the little plastic cup of an inmate's urine, because then the drugs have already been taken. You've already got a bunch of guys all hopped up in a cell block or in a wing. All hell has already broken loose. There already have been assaults, and possibly worse, on other inmates and on correctional officers.

Correctional officers are as committed as anybody could ever be to controlling the smuggling of drugs into our prisons, because for correctional officers and other correctional workers it's life and death. They're the ones—not the minister, not any of us—who have to go in and break up riots that can result when a bunch of guys in a particular cell block are all whacked out on whatever drug it is that happens to have been smuggled in and ingested that day. They're the ones who have to deal with the extortion that surrounds the trafficking in drugs, because part of the extortion is against weaker inmates who are prevailed upon. You see, this is how it works. If you had talked to correctional workers, you'd have discovered this. If you had the courage to let this bill go to committee where it should go so it can be discussed with input from any number of professionals, including your professional officers, our professional correctional officers here in the province of Ontario, they'd tell you that one—not the only, but one—of the conduits for drugs are weaker prisoners who are serving weekend sentences or other intermittent sentences, or whom it's known are going to be sentenced on a particular day, who are leaned on—be it in the bullpen or in the paddy

wagon, what have you—to smuggle drugs in, knowing that the person leaning on them has their colleague, partner, intended recipient of the drug in the jail. That's one of the ways it happens.

Correctional officers have to deal with that. They have to deal with the violence among prisoners in the course of that extortion. They have to deal with the violence among prisoners that grows when you've got increasing indebtedness from one prisoner to another, because one prisoner has been buying drugs and hasn't got the cash to pay for them, merely promises.

Correctional officers are as committed as anybody could ever be—ever—certainly far more so than this minister, to the smuggling of drugs into our jails. But, Minister, you haven't bothered talking to them, and you've made it clear you have no intention of talking to them. That's why you don't want this bill to go to committee, so that you can't be required to talk to them. You don't really care about drugs in our jails, because if you did, you'd talking to those correctional officers and you wouldn't be coming up with wacky, cockamamie schemes like urine testing of prisoners when in fact you've already shut down Lieutenant Dave Walker, a drug dog handler and trainer, who had been the single most effective deterrent against drugs in our jails that we've witnessed for a period of 11 years, from 1985 through to 1996.

When I first met Lieutenant Walker it was in my constituency office. I recall listening to what he had to say then and being shocked and outraged, and writing to the minister seeking some sort of clarification on why you could dump this guy, why you could slam the door shut on Lieutenant Walker, who in that 11 years with his dog had over 2,000 drug finds, who found over 250 weapons, who dealt with over 300 misconducts and over 50 Criminal Code charges, who was directly involved in the capture of six escaped prisoners and who was employed and utilized in 22 institutions from Windsor all the way through to Ottawa.

Lieutenant Walker would tell you if he were here—and he would certainly tell the committee hearing that we're not going to have, because this government doesn't want to have committee hearings around Bill 144; it's embarrassed to because it knows that its real agenda will be exposed—that the real problem occurred when you saw the merger or, effectively, the takeover of the corrections ministry by the Solicitor General in 1995. Again, mark the year in your calendar—1995—the year the Tories got elected, because then corrections, effective 1996, abandoned Lieutenant Walker, one of their own correctional officers, and began using only the OPP canine unit. They were warned by correctional workers, correctional staff. The ministry was warned. They were told this was going to be a disaster because the dogs that were used by the OPP were not trained for prison use. They were involved in customs searches and in opium field searches, and they have proven totally ineffectual, in contrast to the skilful handling and training of the dogs

that Lieutenant Walker had employed over the course of 11 years through to 1996.

Lieutenant Walker, if he were here or if he were at those committee hearings which won't be held because this government refuses to have committee hearings, notwithstanding this very important issue of determining how it is that we can best keep drugs out of our prisons, would tell you—Lieutenant Walker, a correctional officer with over 20 years' experience, somebody who has been right there in the front lines very effectively dealing with the issue of drugs in prisons, was not consulted once by this government or by this minister, not so much as a phone call—that one of the concerns that was raised with the minister, when the minister abandoned him and his correctional services trained dog, was that the use of OPP officers and their dogs would be disastrous, with a significant failure rate of detecting drugs. Mr Walker has ended up being dead on, bang on correct. He would point out that the OPP dogs are failing due to the unfamiliar and unique conditions that the prison environment presents to those police dogs, and that in contrast his dogs have been trained to work specifically in, and only in, correctional facilities.

The failure of the ministry to use this appropriate method of detecting drugs in prisons has been the subject matter of occupational health and safety concerns expressed by correctional officers. There are in fact two complaints before the Ontario Labour Relations Board, one being that the use of OPP dogs is jeopardizing the health and safety of our correctional officers and the overall security of the institutions and community, and that the stopping of the successful correctional service dog program in this province is jeopardizing the health and safety, again, of correctional officers, other correctional workers and the security of those institutions and the community.

1640

Those hearings have been going on for three years. They're scheduled next to resume in January 2001, but by then it may be all for naught, because by then this government will have handed over, lock, stock and barrel, all of those jails that public dollars have built, including the two mega-jails; in fact, all three. With the additions to Maplehurst, we've got three of these mega-jails—Lindsay, Penetanguishene, Maplehurst. Maplehurst will be the largest prison in all of Canada: over 400 transactions a day; that is, people going in and out of that jail.

Don't you get it? That's how the drugs get in and out. All the peeing in the bottle in the world ain't going to stop the motivation to get drugs in. It's silliness. We've got a problem. And this minister wants people running around with little containers of their urine, for Pete's sake. It's too late then. Don't you get it? The drugs have already been taken. All hell has already broken loose. You want to stop the drugs on their way in, and those you haven't been able to—I don't want you to get overly creative here, but use your imagination as to how people smuggle drugs in. It's done. But the drug dog, Lieutenant

Walker and his program, were able to catch those drugs once they had been removed from those secret body cavities, or private body cavities.

Hon Janet Ecker (Minister of Education): As opposed to public cavities?

Mr Kormos: That's right. For instance, your mouth would be far more public than the body cavities that are being used to carry these drugs into prison.

Hon Mrs Ecker: Just so we're clear.

Mr Kormos: Now you've got the message. I'm not the one with the obsession with urine; it's you guys. People on social assistance—this government wants their urine. People in jails—this government wants their urine. There are going to be tanker truck loads of people's urine criss-crossing this province labelled "Urgent delivery to Mike Harris." He wants your urine now.

Mr Joseph Cordiano (York South-Weston): Don't forget the members.

Mr Kormos: There's a bill before the Legislature wanting members' urine. My God, there are children watching this. What's the matter with you people? Because it doesn't solve the problem. It may look good for a one-day—you see, one of the problems with this bill is that this government knows that this bill, like the proposal of drug testing for social assistance recipients, has crossed the laughter threshold. Nobody's really even taking it seriously. It is the subject matter of satirists and CBC comedians rather than being taken seriously by anybody.

This government thought it was going to return to its "get tough with prisoners" roots and take a little bit of attention away and remove the glare of the spotlight that was shining down on them when they wanted their 42%—"No, let's make it 32%. We'll split the difference. We'll settle for a 17% salary increase." Remember that? They wanted to split the difference, go to 17%. "Nobody will notice that." But the opposition caucuses, to the final member, said no. Every member of both opposition caucuses stood firm and said no, that they won't insult the public of Ontario by joining in any claim for a salary increase. My colleague the leader stood firmly saying no. The member for Nickel Belt stood firmly and said no. My good friend the member for Trinity-Spadina said, "No, I don't want it. I'm not going to be a party to that sort of abuse of the taxpayers of this province." Opposition members said no.

This government started at 42%. They figured they were softening the blow by going down to 32%. Then they said, "Oh, what the heck, let's split the difference at 17%." Thank God there was an opposition then that was prepared to stand up and say no to the obscenity of that kind of salary increase. So you've got the same kind of opposition members standing up saying no to this government's silly bills that appeal to what they think is their constituency that wants to get tough on drugs.

I want this government to reflect on the dangers of voting for this legislation, which will prevent committee hearings. What are you afraid of, or are you just gutless wonders? What are you afraid of that you don't want this

bill to go to even a few days of committee so that correctional officers can come forward and talk to you about how drugs really can be controlled in our prisons and about how the program that this government shut down was the one effective program that was controlling the smuggling of drugs into our jails and most certainly detecting them once they had gotten in so they could be seized? Over 2,000 seizures in the course of 11 years, and you guys want to test urine. You just don't get it.

Mr David Christopherson (Hamilton West): It's a fetish.

Mr Kormos: Well, I'm sure there's a name for it somewhere in some obscure—it probably doesn't have to be that obscure, but this obsession on the part of this government with testing urine rather than really getting rid of drugs in our jails.

This government doesn't want to talk to correctional officers because they're afraid of what correctional officers will tell them. Correctional officers will tell this government—its backbenchers, its cabinet, its Premier—that this government has created the crisis in prisons. This government has destaffed prisons, has overpopulated them, has treated correctional officers with the same sort of disdain with which this government treats teachers, and workers of all stripes, quite frankly; the same sort of disdain with which this government treats the poorest people in this province; the same sort of disdain with which this government treats women.

The arrogance, the disregard for democracy, the fact that all these Tory backbenchers—I know what's happening. There's a cabinet shuffle coming up, and once again ambitions are rising at a heated rate, because one cabinet minister's loss is another backbencher's gain. That's how it works. That's how people are kept in line. That's how people can be compelled to vote for a bill like Bill 144, and, more importantly, it's how they can be compelled to support a motion like the closure motion before the House this afternoon that will shut down debate on Bill 144 and prevent it from ever going to committee.

I repeat, what is this government afraid of? Why are they clearly taking their marching orders directly from the Wackenhuts and Corrections Corps of America? I understand that perhaps some of the people on the inner circle, some of the people in cabinet, might have some close interests, maybe the fact that campaign contributions come from one corporate sector or another. But surely there are one, two—are there three backbenchers there who are prepared to stand up and vote against this most undemocratic of motions before us this afternoon? Surely there are. I'm not looking for an honest backbencher; I'm just looking for one with a little bit of backbone. Trust me: you can have all the faults, all the flaws that anybody in this chamber has ever had over the history of 100-plus years—a little bit of backbone, some spinal column, the courage to stand up and do what's right, because there may be one or two or three new cabinet positions, friends, but there ain't going to be room for all of you. It just doesn't work that way.

I know. It's like buying a 6/49 ticket. I mean, we all know what the odds are, but who of us hasn't bought a 6/49 ticket, and perhaps as we're driving home on the QEW, that two-and-a-half-hour drive, as it is in rush hour, used the dollar investment, notwithstanding the million-to-one odds, to engage in fantasies about what kind of car we would buy if we won or which debts we'd pay off first? I understand. But when the traffic has started moving again and you're not stuck any more on the parking lot, on the Don Valley or on the QEW, you know you've got to get back with reality and that the odds are 10 million to one or something. So, please enjoy the fantasy, but accept reality.

1650

I put it to you that I understand why some of you may indulge in the fantasy of being plucked from the anonymity of the backbenches and thrust into the spotlight in cabinet. But once you've indulged in the fantasy, get with reality and understand—sorry, guys—that with some of you a snowball has a better chance of surviving Hades than you do of being in Mike Harris's cabinet. So for those of you that that applies to, and you know who you are, stand up and be counted. Tell your whip and your House leader that you're not going to be pushed around this way while they pursue their own political ambitions. Stand up and tell your whip and your House leader that you're not just a little marionette here whose strings can be pulled, who comes into the House on command, who votes on command, who votes the way you're told to vote. Tell that House leader to go pound salt. That House leader may have a commitment to some corporate donor to his or her election campaign or to the Conservative party but, by God, you've got the courage, the guts to merely do what's right.

I understand people being bought off, but do you realize how easily you're being bought off? Heck, a cheese tray and a couple of bottles of Ontario wine are all it takes. Most of you, if they scratch you behind the ears, will follow them home. You just want to be wanted. Friends, your individual integrity, I suggest to you, the ability to look at yourself in the mirror in the morning is far more important than being patted on the head by the Premier as he absentmindedly strokes you, walking past you in the members' lounge behind the chamber. He puts on his pants two legs at a time just like most of you. Please understand that.

You've got a chance now to say no to this time allocation motion. You've got a chance to help in the fight to save a corrections system in this province that will actually engage in rehabilitation. You've got a chance to save some correctional officers' lives, because the answer isn't in Bill 144, and that's exactly why this government doesn't want it debated any further and that's exactly why this government doesn't want to see it go to committee.

The answer is going to come from correctional officers, whom I want you to understand very clearly your minister of corrections has ignored and treated with disdain from the get-go. Rather than using them as the

incredible resource they are and can be, he's given them the boot. He shrugged them off. He has accused them of some of the most despicable things, with no respect for the incredible work they do keeping our prisons safe, keeping our communities safe—our professional, public sector correctional officers—and making communities safer because they know what rehabilitation means. Those correctional officers and other correctional workers know how to control the flow of drugs into our jails and have a far stronger interest in doing that than your minister does. But they are the ones who have been handcuffed by your government. They're the ones who have had their drug program shut down with not so much as a thank you. It is those correctional officers who are this province's last hope to preserve a correctional system that will have some meaningful role in both corrections and rehabilitation, something your minister has no interest in and no concern about. In over 12 years I've never seen—Speaker, tell me if I'm wrong—a Minister of Correctional Services with less interest in corrections and rehabilitation than the one we have now. I understand the fights his predecessor went through, and that could well be why his predecessor is no longer minister of corrections and Solicitor General.

Government members, here's your chance to do the right thing.

Mr Brad Clark (Stoney Creek): A funny thing happens when we walk into this place, this hallowed room with plush carpeting and the green chairs. A funny thing happens when we're lined up on both sides of the House. We immediately take polarized viewpoints on so many things. I've seen it happen time and time again. On this particular bill, Bill 144, there has been a polarized viewpoint on drug testing and there's been a polarized viewpoint on privatization. I'd like to touch on the privatization issue.

The privatization issue that is in this bill really speaks to a public-private partnership for correctional services. That's what it speaks to. It's not talking about a private sale. It's a private-public partnership.

What I find fascinating when we've walked through the door—and I've seen some of my colleagues on the other side find themselves in this quandary—is that our past history or our viewpoints—or as the member for Ancaster-Dundas-Flamborough-Aldershot said last week on this bill, our personal principles and values are what we should be debating when we're talking about privatization—somehow get twisted around.

I'm going to speak to a couple of things. I don't understand how the opposition members can say that a private-public partnership is bad when private-public partnerships have happened across the province for years. We can go to Hamilton-Wentworth: the airport is now a private-public partnership that the regional government put in place. A private operator is now running the airport owned by the municipality. The newest Liberal member supported that private-public partnership—not a bad thing. It has actually done extremely well.

The sewage treatment plant and water treatment plant in Hamilton-Wentworth: another private-public partnership.

Interjection.

Mr Clark: You may disagree, the member says she disagrees, but her own whip, the member for Hamilton East, voted for it in January 1995.

I'm raising these things because there is some polarization on issues, when in reality we can't do it that cut-and-dried. But it happens. We sit in here and we listen and we hear the hissy fits about, "Oh, privatization bad. We good." You can't do that, and then we see it happen. We see it. It's ridiculous.

Are we now at the point where all the municipalities that have taken positions on garbage removal and snow removal, where they've sent it out to the private sector—is that bad? It was a decision the municipalities made. I ask the honourable members on the other side, at what point, then, do we make the decision that we shouldn't consider a private-public partnership in correctional facilities? At what point can we say, "You know what? It's just bad because we've decided it's bad"? Why can't you look at it from the—

Ms Caroline Di Cocco (Sarnia-Lambton): Public safety; accountability.

Mr Clark: The member is saying, "Public safety." Snow removal is not a public safety issue? Please, you can't have it both ways. You have municipalities that have been provided the tools for public-private partnerships. We're simply saying, why can't we do the same thing here? A request for qualifications has gone out. Are we saying that it's going to be privatized? No. If no tender comes in—we have no idea what's going to happen, but you've said, cut and dried, "No, you can't go there. You simply can't go there."

The reality is that public-private partnerships are a part and a tool that any government should be able to explore.

Ms Di Cocco: With an appropriate business plan.

1700

Mr Clark: The member says, "With an appropriate plan." So she agrees that if the ministry puts an appropriate business plan in place, with standards, this would be simple thing.

You know, the member for Ancaster-Dundas-Flamborough-Aldershot stated last week that some parts he agrees with and some parts he doesn't agree with. I can understand why, because he supported the public-private partnerships for the water treatment plant, the sewage treatment plant, and the airport. So the reality—

Mr John Gerretsen (Kingston and the Islands): Speak to the issue.

Mr Clark: I am speaking to the issue, Mr Gerretsen. We're talking about private-public partnerships as an opportunity for government to look at. Mr Speaker, you see, on that side they simply say, cut and dried, "No, you can't go there," and they don't want to talk about what other governments can do and have done. They don't even want to talk about the tools that some of them have used themselves when they were in municipal govern-

ment. The reality is, we're simply looking at one more tool. I don't think the people at home can condemn a government for examining one more option. This bill does not make correctional facilities in Ontario private. It allows for the opportunity to look at it, the opportunity to develop private-public partnerships. For anyone to simply turn their nose up when in the past they themselves have supported similar ventures, I just can't understand it.

Mr Cordiano: This is indeed a really good debate that we are having here this afternoon with respect to the bill that's before us, the Corrections Accountability Act, as it's called, Bill 144.

One of the comments that comes to mind immediately when thinking about it is what this government is doing with its time allocation motion. Repeatedly I need to say something with regard to this, because repeatedly this government and perhaps the two previous governments have used this measure with greater frequency than ever before, and used it with impunity. I think this is a sad day indeed. Some of my colleagues who are veterans of this House have commented on this, but I think it's time to say again that we are doing ourselves a great injustice when we continue to move forward with time allocation motions with the frequency with which they are being used in this Legislative Assembly. It denies members the opportunity they need to engage in full debate. Worse than that, it denies the opportunity for the public to engage in the kind of feedback that's necessary to have greater accountability on the part of their elected representatives and, as well, to gain the kind of insight into very complex measures that perhaps are being taken on behalf of the public.

Why deny the public the opportunity to have a say directly? Why deny the public greater input into what's being decided? I think that's a great loss for our democracy in this province. It ruins the institutions that we are here to uphold. It denies members the opportunity to engage in public hearings in the committee process. That is very, very important to allow for fulsome debate. If you think that's a waste of time, you shouldn't really be here, because frankly, you're doing yourself a great injustice. Members of this assembly should have greater respect for their own positions, and by allowing for committees to have full public debate and full public hearings, you are acknowledging that it is important to engage in real democratic discussions. That's what you're denying when we don't have the kind of public hearings that we don't have in this province, and that has escalated over the last number of years. Fewer and fewer committees have full public hearings, with very few, short days given for that kind of hearing to take place.

With regard to Bill 144 and the discussion around privatization, at the end of the day we have to focus on the fact that privatization can take place. If you were to create a proper model for following the privatization in certain areas of government, it would be to the public benefit and in the public interest.

That hasn't happened with this government. I'd like to cite the case of Highway 407 being privatized. That is certainly not the model to be used—far from it. In the end it has resulted in a windfall for this government, but short-term. In the long run, the public and the Ontario taxpayers are going to pay for it. Tolls will rise. In addition to that, the private sector got a huge windfall from the fact that the 407 does not pay property tax or make payments in lieu of property tax. Again, that's a demonstration of this government's willingness to sell off whatever assets it has in its possession for the bottom line in the short term to allow its books to look much better than they otherwise would.

In addition to that and on a more serious note, with respect to privatizing social services, under absolutely no circumstances should direct social services that are being provided be given to a private sector operator, in my opinion. It hasn't worked in the field of health; it will certainly not work in delivering social assistance, the delivery of those kinds of services. I believe that's where we should draw the line.

At the end of the day, privatization is not something I'm opposed to, nor is our party opposed to it. What we are opposed to is privatizing those services which have a direct impact on public safety, a direct impact on the social well-being of this province. We don't believe those services can be delivered efficiently and effectively. In fact, even south of the border, in places like New Mexico, Maryland, Oklahoma and Ohio, where they've tried private prisons, they are now starting to move away from further privatizations because it has been proven that they are an abysmal failure in terms of their economics. It doesn't work; it's costing far more with these private prisons. There are a greater number of escapes; there are a greater number of problems associated with those prisons. Privatization does not work in all instances, and certainly when it comes to correctional services it's not working at all. The case is being made south of the border and in other jurisdictions internationally. We are concerned about that.

We're also concerned with respect to drug testing. I personally object to a wholesale drug-testing plan for prisoners when the government has not put forward a plan for rehabilitation and for remission. There are simply not enough of the necessary resources going into rehabilitating prisoners when it comes to drug or substance abuse. That is being entirely neglected, and greater resources ought to be going into ensuring that drugs are not entering our prisons.

I believe my time is up. I would like to turn it over to one of my colleagues.

1710

Mr Ted Chudleigh (Halton): I've been listening to the debate today, and, as is the case much of the time in this House, we hear one side of the debate being that of the status quo, and we hear the other side of the debate being one of change. Of course, change can be worrisome to some people, depending on how that change is

done. I can understand how the opposition, as is their right, is concerned about change.

The change we're talking about in this particular bill is a very important change. If we don't change the behaviour of the guests at our correctional institutes—the revisiting rights, the revisiting factor of the times they go back to jails is very high; 80% of them return to jail. It's a very disturbing factor. In other words, in 80% of the cases, we have not been able to change their patterns, to change their behaviours.

The change that we're introducing here today is aimed at making those behavioural changes during the period of time when these people are incarcerated in our jails. It's sad to say that this bill is even necessary at all, because Ontarians probably wouldn't believe what goes on in our jails. In fact, it's my guess that Ontario believes that most of the proposals within this bill are already in place, because without these things being in place, things will remain the same. We will have 80% of the people who are released from our jails revisiting our jails again in the very near future.

Drug and alcohol testing for offenders was part of our Blueprint platform, and as you know, when we make a promise, we keep it. Of course, Liberals at all levels have different concerns and different concepts of keeping their promises. I noticed with some dismay that the Prime Minister has already broken his first promise, and he broke that promise less than 24 hours after he was elected.

You will probably remember that halfway through the election, on a particular week when things weren't going too well, the Prime Minister suggested that we should re-elect him because he would not serve out his term; if we elected him, he would resign after two years. Of course, shortly after he was elected, about 18 hours after he was elected, he said, and this is classic Liberal politics, that he would now serve out his full term. It's interesting that those kinds of things should happen within that party on a fairly consistent level, and fairly regularly.

Substance abuse is a known factor in criminal behaviour. About 80% of adult inmates in our provincial jails have some degree of drug or alcohol dependency. Testing these convicts will enhance the ability of the ministry to monitor the offenders' compliance with court orders and release terms.

The program will, if passed, have three components. We'll have testing in institutions, we will test for those released on parole, and we will also test for those who are under community supervision, such as conditional sentencing. Offenders would be tested for alcohol, opiates, cocaine, amphetamines, marijuana, and PCP, with other tests added as technologies are developed to ascertain if these drugs are being used.

Inmates who are not drug-free would lose the ability to earn credits toward early release and would forfeit those credits already earned. Those who do not comply with testing could face a number of consequences as well. Parolees refusing tests or failing tests could, under proposed changes to the Ontario Board of Parole, have

their parole suspended. Offenders with substance abuse problems would have rehab programs made available to them, as the previous speaker talked about, as part of a court order or as a condition of parole.

In addition, we are proposing to change the Ontario Board of Parole into the Ontario Parole and Earned Release Board, with public safety as our number one concern. The new board would be responsible for all inmate release decisions—other than temporary absence programs—such as parole and early release. This change would streamline the decision-making process and duplications and overlaps between parole and temporary absence programs would then be eliminated.

Currently federal law gives inmates an automatic one third off their sentence. This must be stopped. Jail should mean jail. We will change the earned remission program in provincial institutions. Inmates will have to earn an early release by actively participating in rehab programs, doing work, learning skills, taking classes, doing community services and demonstrating positive behaviour.

We believe that these programs will move the prisoners toward a change in their behaviour. Without that change, they will be back in jail shortly after they get out. Inmates could lose earned remission by failing to participate in programs, violence against correctional staff, failing drug testing, and failing to meet to standards for positive behaviour.

Earned remission committees would be established for each correctional institution and be responsible for reviewing, verifying and approving inmates' earned remission. The proposed Ontario Parole and Earned Release Board would have authority to audit, review and reverse earned remission decisions made by local committees. It would make all early release decisions for offenders serving 18 to 24 months in Ontario prisons.

I particularly like the local monitoring board the legislation will set up. Local community members will sit on these boards acting as day-to-day observers. The boards would strengthen the links between correctional facilities and local communities.

Regarding the idea of letting private companies operate correctional facilities in Ontario, it's perhaps best to consider what others have said. The members opposite have quoted many times quotes from the United States, but in Scotland, "Sources inside the SPS"—that's the Scottish Prison Service—"believe a dramatic shakeup of the penal system is imminent, caused partly by the success of Scotland's first privately run jail, HMP Bowhouse, near Kilmarnock, which will be given a clean bill of health in its first official report from the Chief Inspector of Prisons.... Kilmarnock 'has the potential to set performance levels for the remainder of the SPS' and said it 'set a benchmark against which others could be measured.'" That comes from the Sunday Herald of April 30 this year.

We hear about how the staff may nor may not be trained and what quality of staff we might find in private facilities. I want to assure you that the private operators' correctional staff would have to meet exactly the same

standards that the ministry's correctional officials have to meet in education, experience and training.

I look forward to this bill being enacted. Having Maplehurst and Milton in my community, it's important to me and it's important to my constituents in Halton to ensure that the facility is run in a safe and reasonable way and that this continuous revolving door that we have with our prisoners in Ontario be put a stop to so that when people enter a prison at least have the opportunity to go through a behavioural change which will enrich their lives and the lives of society upon their release.

Mr Bruce Crozier (Essex): In the few minutes that I have this afternoon to add to the debate on the resolution to choke off debate on what I consider to be a very important bill, I would normally say that I'm pleased to stand in my place to speak, but I'm not.

Once again you guys are setting a record. You are cutting off democratic debate. I can only imagine a couple of reasons why you're doing it. Either you don't want to hear what we have to say and what the public has to say, or you're trying to get this bill through so quickly. Frankly, I don't think you could arrange a two-float parade if what you're trying to do is get this legislative agenda in order. We're getting near the Christmas season. You don't want any public meetings on this. Are you afraid of what the public might have to add to the debate? I don't hear anything. I assume they're afraid to hear what the public has to add to this debate.

As I pointed out last week in another choking-off-debate motion, we lead the country in provincial Legislatures that bring in this kind of motion where you cut off the democratic process. I don't know whether they're proud of that or not, but they must be, because they keep trying to enhance this record. It's like having the record in the CFL for having the most fumbles. What you usually like to do is have the record for the most passes—we'd like to occasionally have note of a few interceptions—and then you go on to a touchdown. But these guys just continue to fumble the ball and they want to keep on going.

1720

I ask again, because they had a lot to say just then, are you afraid of what the public will have to say on this? I don't hear a no, so I guess you must be. This is a very important issue when the public is involved. This is a question of public safety. You can discuss in all the other debates about private versus public operatorship, but when it comes to public safety, there are communities in this province that don't agree with what you're doing, so why won't you go out and listen to them? It's a very simple thing to do. You always say you consult. Well, I don't think they're consulting with the public on this one. I don't think they even had any intention of consulting with the public because I think they're afraid of what they might find out. They might find (1) that the public is very interested in this bill; (2) that the question of public safety is just as important or maybe more so than the issue of privatization; and goodness knows, the government might even find out that there are some people who

agree with it and that you'd like to hear from them, hear what they have to say and hear why they support you. But you won't do that. It's a very simple request, and that is, to get public input.

As you know, the way this motion is worded, as of 10 minutes to 6 today we'll be voting on this closure motion. Unless they are better at getting their caucus in here than they are at arranging these two-float parades, we might even be able to defeat them on that, but I doubt it. So at the end of today, second reading will be done. The next time, when third reading is called, we'll have one afternoon of debate, one more afternoon to debate the issues when it comes to Bill 144.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): It's an important bill.

Mr Crozier: My colleague from Flamborough, Aldershot and the others said, "It's an important bill." I think I've heard some members on the other side say, "It's an important bill." I think members of the government have said, "It's an extremely important bill." Well, if it's important, let's see how many times you're willing to have a public meeting. Let's see if you're willing to go out and ask the public about it. You're not. Are you afraid to go out and ask the public what they think about this? Come on. Are you afraid?

Mr Clark: How many Liberals will be here to vote?

Mr Crozier: He's just nattering. A few weeks ago the Speaker said, "I don't know whether that's really intelligent heckling or bourgeois noise." I think this afternoon I've heard some bourgeois noise. I haven't heard any intelligent heckling yet because you haven't answered my question. I don't even mind if they interrupt me to say that they agree with me, but they won't do that.

All I'm standing here today to point out to you and the public is that this government is afraid to go to the public and ask them what they think. Therefore, they're choking off debate.

With that, I'll pass it on to one of my colleagues to speak on it as well.

Mr R. Gary Stewart (Peterborough): I'm really pleased to speak to this particular bill. I just want to inform the member from Essex that you don't win any football games unless you get a touchdown. You can run back and forth, up and down the field, and certainly the opposition over their term in government some time ago ran up and down the field and never made a decision in their life.

We keep hearing about "no consultation." Let me tell you this: there has been consultation on the possibility of privatization for the last couple of years in the areas that might be considered privatization of correctional institutions, and there has been consultation for the last three or four years on the issue of privatization. So for anybody to stand in their place and say there has not been consultation, I don't know where they've been. Possibly they may have been sleeping.

I hear this constant rhetoric about privatization from the opposition. Why don't you guys over there go out and say, "I believe everybody in the private sector is a crook.

They can't do anything right"? Say that, because you criticize them constantly. "They know nothing. Only if you're in the public sector do you know anything." I'm sorry, that is not a fact. Please tell me that anybody who is in the private sector doesn't know anything.

Mr John O'Toole (Durham): On a point of order, Mr Speaker: Is he on his script? I'm in his caucus and I know—

The Deputy Speaker (Mr Michael A. Brown): It is a point of order. The member must refer to the motion before us.

Mr Gerretsen: Mr Speaker, on a point of order: Let it be known to everyone that nobody on this side has ever suggested that people in the private sector are all crooks.

The Deputy Speaker: That is not a point of order. Sit down. The member for Peterborough.

Mr Stewart: They asked if I was talking about the bill. I talked about the bill at the very start, when we were talking about consultation, and this seems to be the problem. We've consulted for the last two years and it's time now to make some decisions. I know that's difficult for you folks over there because you really can't. You've got to flip this way one day and over here the next day. I know you can't make those decisions.

What I'm saying is that privatization in this bill is a possibility. I get very annoyed when I hear people criticize the private sector. I also get very annoyed when people don't seem to want or don't believe in drug treatment. That one really bothers me. It seems they also condone alcohol abuse, drug abuse, all of these things, so I get very annoyed. This is one of the things in this particular bill that I'm pleased about. Everybody said that in 11 years they found 2,000 people who were taking drugs, or they found them in the prisons. That's a good record? What about all the other ones? Is that a good record? I would say we should try to improve that record, and with this type of bill, maybe that would happen.

As I said, the bottom line as far as I'm concerned is treatment, whether it's alcohol, whether it's drugs, whatever it may be. I really get concerned about that.

Why did we start a RIDE program? So people who are disobeying the law or breaking the law through substance abuse should be taken off the highways and should be charged. But no, we shouldn't do it in the penitentiaries? We shouldn't do it in the correctional institutions? Guys, I'm sorry, you've got to decide which way you want it.

I'm very pleased to speak to this bill and I support it 100%.

Mr Gerretsen: Let me just respond to the member opposite that we on this side of the House believe in the private sector. We believe that the private sector is responsible for a lot of the wealth and growth of our economy in this province.

However, having said that, let me also tell you that we do not believe the private sector should be involved in the correctional system of this province. The members opposite would like you to believe that because you say something good about the private sector, therefore the private sector should be involved in everything. We on

this side of the House do not believe the private sector ought to be involved in the correctional business, and the reason for that is quite simple.

When we as a society feel that somebody has broken the rules, after giving due process, either by disobeying our criminal laws or other laws of this province, and we as a society say to the individual, "You have not lived up to the rules and therefore you need to be punished and you need to be rehabilitated." So it is society that should be in charge of the correctional system. It is society's punishment that is being handed out.

1730

From all the nonsense we've heard from the other side, we heard one individual in effect say that our public institutions have totally failed us and therefore we should privatize our correctional institutions. I say to the member, why don't you make the public institutions that are there now better?

Read the report that the Provincial Auditor has come up with, when the Provincial Auditor makes the following statement—and I'll just read it to the members so that you and the public can once again be aware of it. The auditor says on page 74 of his report this year, "We concluded that the ministry's systems and procedures were not adequate to ensure institutional resources were managed with due regard for economy and efficiency, nor to ensure services and programs were delivered in accordance with legislative and ministry requirements." In other words, your own ministry hasn't been up to the job, and rather than saying, "I don't think we can do it; therefore, we'll let the private sector do it," you should make that public service better than it's been.

It just goes on and on. It goes into examples of where contracts have been avoided and money paid without any contractual responsibilities. Let me just go on. This crowd on the other side likes to talk as if we've got the most violent criminals in our provincial system. Let me just read to you once again what our Provincial Auditor says about that. I think this is very apropos. It states, "The majority of inmates were admitted to Ontario's institutions for property and other offences not related to crimes of violence. For the last eight years, the selection criteria for temporary absences continued to be confined to low-risk, non-violent offenders. Our examination revealed"—this is the examination of the Provincial Auditor—"that Ontario's success rate with the temporary absence program over the eight years remained unchanged at about 97%, with the failures attributed mainly to technical violations such as missing a curfew."

Now here comes the relevant part as far as this crowd is concerned. It goes on to say, "Ministry staff indicated there was not one case"—not one case in eight years—"of an offender reported to have committed a serious crime while on temporary absence." Get it through your heads that the most violent criminals in our system are in the federal system; they are not in the provincial system, because the people who are in our provincial systems are there because they have been sentenced to two years less a day. So that's number one.

They like to talk about being tough on crime, but they're not really being tough at all. Tough on crime: passing the squeegee law—you remember that one—setting up an office for the Victims' Bill of Rights and then not giving the office any kind of resources to work with so that the real victims of crime can be compensated in a proper and adequate way.

Rehabilitation: If you want to make sure that the people who are in our correctional institutions right now will not return once again in the future, you've got to get involved in rehabilitation. It has been known over the last 50, 60, 100 years that if you take the attitude of just throwing somebody in jail, whether it's a provincial institution or a federal institution, and throwing away the key and somehow expecting that person to come out as a model citizen at the other end, without any kind of adequate programming that would lead to that individual's rehabilitation, it is just not going to happen.

From reading the report and from reading some of the comments that have been made by the members opposite, we can only come to the conclusion that what this government has really been doing over the last six years is making sure that the current system is failing. They have wanted the current system to fail so that then they can say, as the member from—what was his riding again?—Halton said, "We can't do anything. The system has failed. Therefore we'd better privatize it." If you put the adequate resources there, then you don't have to spend the somewhere between \$50,000 and \$90,000 per year it costs to maintain an inmate in one of our provincial institutions. If you put adequate resources there in the rehabilitation process, then that individual will not return.

What happens when you privatize it? The private entrepreneur wants clients. They want to run these institutions. To what extent do you think those individuals are going to be involved in rehabilitation? Tell me. I'd like somebody to answer me. It is not going to be in their self-interest, since they're running this on a private, for-profit basis. There's absolutely nothing wrong with making a profit if you're in private business, but what's going to happen to these individuals if they are running a for-profit kind of penitentiary-correctional system? It is not going to be in their interests to rehabilitate these people.

Up until last week I would not have thought that anybody could possibly think that way, but from some of the comments I've heard from the members opposite, I've now come to the conclusion that one of the reasons the Provincial Auditor has given a blatant condemnation of our correctional system in his current report is simply that they've allowed the system to run down so that they can say, "Well, there's no other thing we can do but privatize it."

What you should be doing is building up the morale of the people who work for you. They are hard-working individuals. They are people who have the best interests of society and of the correctional institutions and the inmates at heart. I represent a community that has seven federal penitentiaries, as you know—Kingston—and we have over 3,000 people who work as correctional officers

in our community. I can tell you that the vast majority of these individuals are highly professional, highly qualified individuals who know their job and know what they're doing. With all this talk about privatizing some of the most vital aspects of our community institutions, all you are doing is lowering the morale of the people who work for us in one way or another.

As I get into my last few seconds, I just want to restate the point once again that, yes, there are some items that can be privatized, but certainly not the breach of society's rules and how we deal with the individuals who have breached the rules, who have violated the laws that you and I and the people in the federal Parliament have enacted. That is a role for society to take on, because only by society taking on that role collectively through our correctional services is there any kind of accountability in the system. If you privatize the system, the degree of accountability that the public demands is simply not going to be there.

I urge the members opposite to at least take this bill out for public consultation because, as the minister himself said, we are in for some profound changes.

Mr Doug Galt (Northumberland): It was interesting to see the response from the member for Kingston and the Islands when the member for Peterborough was talking about privatization and what can happen in the private sector. Very obviously a nerve had been touched that the member for Kingston and the Islands just couldn't handle. It was very obvious that the member for Peterborough was dead on, right on track.

But I think when you sum this up, it really isn't the public versus private or private versus public. What we're really talking about is monopoly versus competition. That's what's really going on with our police at this point in time, particularly when some of the amalgamations occur and there's competition: is it the local police force that's in this urban centre or is it going to be the OPP? It really sharpened up our police forces. They're more visible, they're more active, and it's interesting to see that kind of competition rather than the traditional monopoly we've grown used to. I see the same kind of thing moving into our correctional facilities.

Having said that about monopoly versus competition, or in some cases ending up private, I had the good opportunity two years ago to go to Camp Turnaround and observe first-hand what goes on at Camp Turnaround.

1740

Mr Crozier: Did you watch the escape?

Mr Galt: I hear the opposition muttering away about an escape. Yes, an escape did occur on the day of their opening, but there hasn't been a single escape since from it or any of the others that are working in that particular direction.

It certainly was impressive for any member of the Legislature to go to, which is interesting. In this legislation it is stated that any member of this Legislature can go to any one of those correctional facilities and tour and inspect and see them at any time. I think that's truly

accountability and that's a lot of what our government has been doing.

After seeing Camp Turnaround and how it operates and the kind of discipline, the kind of support that our young people get there, I had the opportunity to be at the Brookside Youth Centre in Cobourg on December 1. This was the first graduation that they had for Success Through Education and Discipline, STEAD, a very, very impressive program indeed. There were six graduates who graduated this past Friday: [names expunged][†] There were only five there because one of them was doing so well that when he came before the judge recently, the judge gave him the opportunity to be free. One of the others did stay, though. He had the opportunity to leave a week ago Friday but stayed a full week so he could be there for this particular graduation. The reason? The kind of support he was receiving from the officers, the employees at the corrections facility, not to mention the support he was receiving from the other five in this graduating group.

When we mention the six that were graduating, that's the number going through each time. I might mention that part of this course has to do with strict discipline, which is very important. That's part of the support you see there. It also—

Mr Kormos: On a point of order, Mr Speaker: My apologies to the member if I misapprehended his reading of the list. I take it these are not young offenders?

The Deputy Speaker: The point of order?

Mr Kormos: The member, who should have learned from the throne speech—

The Deputy Speaker: The member for Northumberland.

Mr Galt: Thank you very much, Mr Speaker. Continuing with the particular program there, it certainly was very, very impressive. I was talking about the one who didn't want to leave. He actually stayed for a full week so he could be at the graduation.

I was talking about the support that was there, the encouraging—

Mr Kormos: On a point of order, Mr Speaker: I'm concerned that a member of this assembly has just published the names of young offenders. I could be erroneous, I could be in error, and if I am, I apologize to the member, but I'm concerned that he's named a list of young offenders, when that is clearly a violation of the act or is the subject matter of a major—

The Deputy Speaker: It isn't a point of order. It may be something else, but it's not a point of order. The member for Northumberland.

Mr Galt: What I read from was a program that was given out publicly that day.

Coming back to the bill we're on, it relates to things such as drug and alcohol testing, a particularly important part of the bill. I mentioned earlier the fact that it relates

to members of the Legislature being entitled to enter and inspect the facilities. Also, it relates to the governance and authority for public-private partnerships for the delivery of correctional services.

They're even changing the name of the Ontario Parole Board to the Ontario Parole and Earned Release Board, which reflects this ability or opportunity for those who are in corrections to earn their release, and that makes so much sense. The local boards of monitors will be part and parcel of working with these particular prisons.

But coming back to the drug and alcohol testing, there's been a lot of fun, and the opposition even brought in a bill recently to criticize this particular activity, that we're doing it for those on welfare. When you have such a large percentage of our inmate population on drugs, how are they going to go out and really act in society and work in society and get along and get jobs? By testing and making sure they're off drugs, they're certainly going to be able to contribute to society in the future.

This is about increased public safety, with these people getting out and being freed, with meeting the standards that are indeed required. I can very enthusiastically support Bill 144.

Mr Kormos: On a point of order, Speaker: With respect, Hansard is published as a result of what's said in this chamber. I am requesting the Speaker to intervene to diminish the damage of Hansard in itself, which is available and published and, through the electronic Hansard, available to literally millions of readers. I'm asking the Speaker to intervene to ensure that the names of the young offenders that were read into the record by the member who just spoke are not contained in that Hansard. I believe the House has a duty to mitigate the crime that was committed by Mr Galt and not be a party to it by virtue of republishing it.

Mr Galt: What I read was from a program.

Mr Kormos: No, it's calling it—

The Deputy Speaker: That is not within the Speaker's discretion, nor is it a point of order. The House may deal with the issue.

Time for debate is now completed. Mr Sampson has moved government notice of motion number 80. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. Call in the members. This will be a 10-minute bell.

The division bells rang from 1747 to 1757.

The Deputy Speaker: Mr Sampson has moved government notice of motion number 80.

All those in favour will rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted
Baird, John R.
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad

Hodgson, Chris
Hudak, Tim
Jackson, Cameron
Johns, Helen
Johnson, Bert

O'Toole, John
Ouellette, Jerry J.
Palladini, Al
Runciman, Robert W.
Sampson, Rob

[†] The names of the young offenders have been expunged by Order of the House dated Tuesday, April 24, 2001, in the spirit of compliance with the Young Offenders Act (R.S. 1985, cY-1)

Clement, Tony
Coburn, Brian
Cunningham, Dianne
DeFania, Carl
Ecker, Janet
Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gilchrist, Steve
Gill, Raminder
Hardeman, Ernie
Hastings, John

Kells, Morley
Klees, Frank
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Murdoch, Bill
Mushinski, Marilyn
Newman, Dan

Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Tumbull, David
Wettlaufer, Wayne
Wilson, Jim
Wood, Bob

The Deputy Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Bartolucci, Rick
Bountrogianni, Marie
Boyer, Claudette
Bryant, Michael
Caplan, David
Churley, Marilyn
Conway, Sean G.
Cordiano, Joseph
Crozier, Bruce

Curling, Alvin
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Hoy, Pat
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte

Levac, David
Marchese, Rosario
Martel, Shelley
McMeekin, Ted
Pupatello, Sandra
Ramsay, David
Ruprecht, Tony
Sergio, Mario
Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 49; the nays are 27.

The Deputy Speaker: I declare the motion carried.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): On a point of order, Mr Speaker: I understand that Mr Galt, the member for Northumberland, a few minutes ago or during the debate this afternoon read into the record the names of six individuals who were or were not—we're not certain—young offenders who were at a correctional institution.

It's my belief at this time that that may have been a contravention of the Freedom of Information and Protection of Privacy Act.

Mr Rick Bartolucci (Sudbury): May?

Hon Mr Sterling: It may have been; I'm not sure. I haven't heard all the facts surrounding it.

In order to help those six individuals, I would ask unanimous consent of this Legislature that we expunge from the record these names at this time from Hansard so

that these individuals will be protected. I ask for that unanimous consent at this time.

The Deputy Speaker: Mr Sterling has asked for unanimous consent. We do not have it.

Mr Kormos: On a point of order, Mr Speaker: There was an immediate response in this Legislature. There was a request made to this assembly immediately after these persons were named by the member spoken of for an effort to remedy it. With respect, the House had a chance at that point to remedy what could have been an oversight. Those efforts were rebuffed. They were rebuffed with great disdain.

With respect, Speaker, it takes a motion to expunge content of Hansard, a motion to be put to this House, to be debated and voted upon. That is the proper procedure. That's the procedure the government should be taking if it expects assistance from opposition members.

The Deputy Speaker: That's not a point of order.

Hon Frank Klees (Minister without Portfolio): On the same point of order, Mr Speaker: I think it's important to note that when the issue was raised on a point of order in the course of debate, it was in fact the Speaker who did not allow any further discussion on that issue, indicating that it was not a point of order, and directed the House to continue debate.

The Deputy Speaker: That is not a point of order either.

Mr Galt: On a point of order, Mr Speaker: The names were read accidentally. I had a program that was given at the time of graduation. I'm just explaining why it was in there.

The Deputy Speaker: Thank you. This is not time for debate. This is time for legitimate points of order. If there needs to be a situation rectified, that could be put forward, as the government House leader did, by asking for unanimous consent, but no one else has done that.

It being 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1803.

Evening meeting reported in volume B.

CONTENTS

Monday 4 December 2000

MEMBERS' STATEMENTS

Services for the disabled	
Mr Brown.....	6029
Ms Churley.....	6030
Mr Dunlop.....	6031
Law enforcement	
Mr Young.....	6029
Smart communities	
Mr Patten.....	6029
Academic testing	
Mr Arnott.....	6030
Provincial Auditor	
Mr Gerretsen.....	6030
Elwood Moore	
Mr Murdoch.....	6031
Highway safety	
Ms Di Cocco.....	6031

FIRST READINGS

Health Insurance Amendment Act, 2000, Bill 154, Mr Duncan	
Agreed to.....	6032
Mr Duncan.....	6032

MOTIONS

House sittings	
Mr Sterling.....	6032

STATEMENTS BY THE MINISTRY AND RESPONSES

Economic outlook	
Mr Eves.....	6032
Mr McGuinty.....	6034
Mr Hampton.....	6035

THIRD READINGS

Continued Protection for Property Taxpayers Act, 2000, Bill 140, Mr Eves	
Agreed to.....	6036

ORAL QUESTIONS

Social assistance	
Mr McGuinty.....	6036
Mr Harris.....	6036
Ambulance services	

Mr McGuinty.....	6037
Mrs Witmer.....	6037
Domestic violence	
Mr Hampton.....	6038
Mr Harris.....	6038
Ms Churley.....	6039
Marriage	
Mr Hampton.....	6039
Mr Harris.....	6039
Affordable housing	
Mr McGuinty.....	6039
Mr Clement.....	6040
Community safety	
Ms Mushinski.....	6040
Mr Tsubouchi.....	6040
Court ruling	
Mr Bryant.....	6041
Mr Stockwell.....	6041
Parole system	
Mr Stewart.....	6041
Mr Sampson.....	6041

Class size	
Mr Marchese.....	6042
Mrs Ecker.....	6042

Driver licences	
Mr Hoy.....	6042
Mr Turnbull.....	6043

Retail store hours	
Mr Wettlaufer.....	6043
Mr Runciman.....	6043

Long-term care	
Mrs Boyer.....	6043
Mrs Witmer.....	6044

Rural jobs strategy	
Mr Murdoch.....	6044
Mr Hardeman.....	6044

Site of early Parliament	
Mr Marchese.....	6045
Mrs Johns.....	6045

PETITIONS

Safe streets legislation	
Mr Crozier.....	6045
Parental leave	
Ms Martel.....	6045
Registration of vintage cars	
Mr O'Toole.....	6046, 6047
Mr Gill.....	6047
Photo radar	
Mr Hoy.....	6046
Northern health travel grant	
Ms Martel.....	6046
Mr Bradley.....	6048

Services for the developmentally disabled	
Ms Di Cocco.....	6047
Mr Hoy.....	6047, 6048

GOVERNMENT MOTIONS

Time allocation, government notice of motion number 80, Mr Sampson	
Mr Sampson.....	6048
Mr Levac.....	6050
Mr Kormos.....	6053
Mr Clark.....	6058
Mr Cordiano.....	6059
Mr Chudleigh.....	6059
Mr Crozier.....	6061
Mr Stewart.....	6061
Mr Gerretsen.....	6062
Mr Galt.....	6063
Agreed to.....	6065

OTHER BUSINESS

Estimates	
Mr Hodgson.....	6029
The Speaker.....	6029

TABLE DES MATIÈRES

Lundi 4 décembre 2000

PREMIÈRE LECTURE

Loi de 2000 modifiant la Loi sur l'assurance-santé, projet de loi 154, M. Duncan	
Adoptée.....	6032

TROISIÈME LECTURE

Loi de 2000 poursuivant les mesures de protection des contribuables fonciers, projet de loi 140, M. Eves	
Adoptée.....	6036

QUESTIONS ORALES

Soins de longue durée	
M ^{me} Boyer.....	6043



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of Ontario**

First Session, 37th Parliament

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**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Monday 4 December 2000

Lundi 4 décembre 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 4 December 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 4 décembre 2000

The House met at 1845.

ORDERS OF THE DAY

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the minister from Oak Ridges.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I'm seeking unanimous consent to move a motion without notice regarding this afternoon's debate, and that the motion be debated until 7:15 this evening, the time being divided equally among the three parties, and that at the end of that time the question on the motion be put without further debate or amendment, with no deferral of any division on the motion being permitted.

The Acting Speaker: Is it agreed? It is not agreed.

EMPLOYMENT STANDARDS ACT, 2000

LOI DE 2000

SUR LES NORMES D'EMPLOI

Mr Stockwell moved second reading of the following bill:

Bill 147, An Act to revise the law related to employment standards / Projet de loi 147, Loi portant révision du droit relatif aux normes d'emploi.

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the Minister of Labour.

Hon Chris Stockwell (Minister of Labour): It seems appropriate, probably, to make at least an opening comment with respect to the situation we find ourselves in. It would appear that a good number of the members of the House would not be prepared to be debating Bill 147 right now. They would prefer to see the motion—

The Acting Speaker: The Chair recognizes the member from Niagara Centre on a point of order.

Mr Peter Kormos (Niagara Centre): Point made, which is why I'm calling for a quorum count, please.

The Acting Speaker: Could you check and see if there is a quorum present.

Clerk Assistant (Ms Deborah Deller): A quorum is not present.

The Acting Speaker: Call in the members. This will be up to a five-minute bell.

The Acting Speaker ordered the bells rung.

The Acting Speaker: The Chair recognizes the Minister of Labour.

Hon Mr Stockwell: It's too bad, I guess, sometimes there are mistakes made in this Legislature that hinge on a certain goodwill and benefit from all sides—

Mr Kormos: On a point of order, Mr Speaker: I seek unanimous consent for an order from this assembly that the Hansard of this afternoon's debate around Bill 144 not be published in either written or electronic form until such time as the police have terminated their investigation of the matter.

The Acting Speaker: I'm advised that the consent has to be for a motion, and if there is consent, then you can give me the motion.

Mr Kormos: I would like to thank you, Speaker.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I ask for a five-minute recess.

The Acting Speaker: Is there consent for a five-minute recess? It is agreed.

The House recessed from 1849 to 1854.

Hon Mr Klees: On a point of order, Mr Speaker: I would ask for a further five-minute recess.

The Acting Speaker: Do we have unanimous consent for a further five-minute recess? It is agreed.

The House recessed from 1855 to 1900.

Hon Mr Klees: On a point of order, Mr Speaker: With respect, I would request a further 10-minute recess.

The Acting Speaker: Is it agreed? It is agreed.

The House recessed from 1901 to 1911.

Hon Mr Klees: On a point of order, Mr Speaker: The Liberal caucus has asked for a further 20-minute recess, and I think in the interest of the evening's discussion we should give them that additional 20 minutes. I ask for unanimous consent.

The Acting Speaker: Mr Klees has moved unanimous consent for a further 20-minute recess. Agreed? It is agreed.

The House recessed from 1912 to 1938.

The Acting Speaker: The Chair recognizes the member from Niagara Centre on a point of order.

Mr Kormos: I seek unanimous consent to move that all records of remarks by the members during the debate of the motion regarding Bill 144 on Monday, December 4, 2000 not be published electronically or in print, or in any other public forum until such time as the police have completed any investigation of remarks during that debate, and further, that Hansard maintain and preserve all records in evidence of that debate, and that in any event, publication of the debate by Hansard shall not be done until such time as the assembly is sitting and has sat

for four calendar days and that the question on this motion be put no later than 9:20 pm this evening.

The Acting Speaker: Is it agreed?

Interjection.

The Acting Speaker: I'm sorry. I will ask that again. If you'll just hold that, I want to hear this point of order before I accept that.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I'm not trying to be antagonistic about this. I'm just trying to determine, is this motion debatable tonight?

Interjection: Until 9:30.

Hon Mr Stockwell: Until 9:30? Is my understanding correct that this will be debatable?

The Acting Speaker: It is until 9:20.

Mr David Christopherson (Hamilton West): On a further point, Mr Speaker: Again, further in the interest of the assembly, we would seek that that debate, should it ensue, would be time split equally between the three caucuses.

The Acting Speaker: We will assume that that is part of the question that I am now going to put to the assembly. Is it agreed? It is agreed.

The Chair recognizes the Minister of Labour.

Hon Mr Stockwell: I move adjournment of the debate on G-147.

The Acting Speaker: Mr Stockwell moves adjournment of debate on Bill 147. Is it the pleasure of the House that the motion carry? It is carried.

DISCLOSURE OF CONFIDENTIAL INFORMATION

The Acting Speaker (Mr Bert Johnson): The member from Niagara Centre, I would ask you to move your motion.

Mr Peter Kormos (Niagara Centre): I move that all records of remarks by the members during the debate of the motion regarding Bill 144 on Monday, December 4, 2000, not be published electronically or in print, or in any other public forum until such time as the police have completed any investigation of remarks during that debate, and further, that Hansard maintain and preserve all records in evidence of that debate, and that in any event, publication of the debate by Hansard shall not be done until such time as the assembly is sitting and has sat for four calendar days and that the question be put on this motion at 9:20 pm this evening and that the time for debate be split equally three ways.

The Acting Speaker: Mr Kormos moves that all records of remarks of members during the debate on the motion regarding Bill 145 on Monday, December 4 in the year 2000 not be published electronically or in print or in any other public forum until such time as the police have completed any investigation of remarks during that debate, and further, that Hansard maintain and preserve all records in evidence of that debate, and that in any event, the publication of the debate by Hansard shall not be done until such time as the assembly is sitting and has

sat for four calendar days and that the question be put at 9:20 pm tonight and that the time be split evenly between the three parties.

Is it agreed? I'm sorry. For debate, the Chair recognizes the member for Niagara Centre.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I seek unanimous consent for the member from Northumberland to be given an opportunity to make a statement, as part of his time in the debate, prior to the leadoff.

The Acting Speaker: Is there consent? It is not agreed. The Chair recognizes—

Interjections.

The Acting Speaker: Order. For debate, the Chair recognizes the member for Niagara Centre.

Interjections.

The Acting Speaker: Order. I'm a very patient person. If I haven't demonstrated that, I'm sorry, but it's wearing just a wee bit thin. If you mistake that as being other than a very serious warning, you're making a mistake. The Chair recognizes the member for Niagara Centre.

Mr Kormos: This is a very serious matter, and it's not one that should be undertaken lightly by way of debate at all. As the Speaker knows, this afternoon the members of this assembly were debating the time allocation motion that would, as it did, once passed, end debate on Bill 144, ironically one of this government's so-called law-and-order bills where they proclaim their enthusiastic support for the application of the rule of law. I spoke during that debate, as did other members from all three caucuses, but when I heard the comments of the member from Northumberland—and I was listening to them—I was surprised and indeed shocked. I immediately rose on a point of order, as the record may show, because the clear impression I had was that in the course of his contribution to this debate, the member from Northumberland named, as I recall, five names of persons who were young offenders. That was very obvious from the context of his comments and from that part of his comments in which he named these five people with their Christian names, as well as their surnames.

This House has considerable experience with the serious breach that is involved when there is a publication of the name of a young offender. Everyone in this House will recall that this House was confronted with that in a most dramatic way when, in a throne speech by this government, the name of a young offender was revealed. That resulted in a lengthy and thorough police investigation because the law clearly prohibits the publication of the names of young offenders. Whether one agrees with that law or not is not the point. I'm not in any way, shape or form prepared to infer from the member from Northumberland's comments that he was somehow trying to make a point, that he was engaging in some sort of act of wilful and civil disobedience. He was wilfully identifying those young people, but I'm not sure he was doing it for any other reason than to name those young people in the context of his speech.

We saw the then Solicitor General—I'm referring to the matter of the throne speech—under intense scrutiny, and we saw the Solicitor General put into the very difficult position of having to surrender his capacity as a minister during the course of that investigation. That should have been a lesson for everyone here. It made it quite clear that it is not a defence to violate the right of young offenders to the confidentiality of the publication of their names to somehow suggest that your motives were benign, that it is an absolute law. It's one, for instance, that the media have to abide by on a daily basis. It's one they very rigorously police themselves with respect to.

1950

So it was most disturbing for me to hear a member of this assembly engage in the flagrant naming of these people, but then, when I stood on a point of order to draw his attention as well as the attention of other members of the assembly to the matter, to have the member from Northumberland effectively dismiss me with some amount of disdain and then suggest that somehow it was OK to name these young offenders because he was reading, and I want to point out to you and everyone else in this assembly that he appeared very much to be reading these names from a folded piece of cardboard. It might well have been the program to an event at the institution that he was referring to, and the member suggested that somehow it was OK to read these names on to the Hansard record because they had been printed in this program. I trust that program, the one the member from Northumberland referred to while he named those young people, will be made available to any investigating authorities. Surely this assembly and the members here have had enough experience with investigations, some of them still ongoing, to know that there is an inherent duty on members of this assembly to preserve evidence and to ensure that it's made available to investigating authorities.

I rose not just once but then twice on points of order, asking the member to please seize the moment, and if not the member, another member of his caucus, and try to start mitigating the horrible wrong that had been done. I was rebuffed on both occasions. My last effort before 6 o'clock was to draw the Speaker's attention to the matter, to talk about the fact that what we've had was first a televised broadcast to how many tens or hundreds of thousands of people in this province wherein the member for Northumberland named these five people in some sort of effort to reinforce the point he was trying to make.

It was obvious—it was my conclusion, at least that he was using the names of these young offenders to support the argument he was attempting to make. If there were any other reason, it certainly couldn't be inferred from any of the context surrounding the conduct of the member for Northumberland, because he didn't make any effort and didn't utilize any of the opportunities that were given to him once, twice, three times, to mitigate the damage that was being compounded as every minute passed.

I tell you, Speaker, that my staff have written on my behalf to both the Ontario Provincial Police and to the RCMP, asking them to initiate an investigation of any breaches of the law that might have occurred in this assembly this afternoon by the member for Northumberland, and I leave that matter entirely in their hands. I do not propose to get myself involved in it other than in any way that I'm called upon to co-operate or assist in the investigation, but I in no way intend to get involved in it or quite frankly to prejudge it.

I have trouble when one of our members of this assembly, as a result of conduct in the assembly, conduct which is all that much more ironic when you're talking about it in the context of Bill 144—"Let's get tough on criminals, let's get tough on the bad guys"—and we have somebody who now may well find himself the subject matter of a criminal investigation. It's troubling and I don't find it at all pleasant, nor do I enjoy being engaged in this process, but by God, surely those standards that are imposed upon the citizenry from one border to another in this province should be similarly imposed upon members of this assembly who purport to represent them in this assembly, and to be paid reasonably well for doing it, I might say, notwithstanding that that hasn't tempered some of the members' passion for not 42%, 32%—"Oh let's split the difference and make it 17%" salary increases.

The purpose of this motion is this: I am eager, as is this caucus, to protect those youngsters in any way we can from any enhancement of the horrible wrong that might have been made against them today by the member for Northumberland. I tell you that this caucus would not involve itself in any effort to expunge or destroy the evidence in the Hansard. This caucus would have no part in that whatsoever. It's just unconscionable that this caucus would in any way join in some sort of effort to eliminate the evidence, so we weren't going to have any part of expunging the record.

I suggest to the government caucus, and indeed to the member for Northumberland, that when one of those earlier opportunities arose, had it been acted upon or seized upon by that member, he may well have been able to do far more to mitigate. But he chose not to. It was most frustrating to be rebuffed with the scorn and disdain that the member for Northumberland responded to me with. That's why we've brought this motion.

It's imperative that the House, the assembly, being effectively the publisher of Hansard, which is published in printed form and in electronic form, which remains part of this province's record for decades—generations—it's important that we do what we can to not compound the horrible, horrible delict that the member for Northumberland may well have committed this afternoon. That's why this motion very specifically directs that the whole debate from this afternoon not be published by Hansard in either electronic or printed form until such time as the police have completed their investigation. If the persons identified were not young offenders and therefore not entitled to the protection from publication

that young offenders are, then the matter is moot. If they are young offenders and entitled to that protection, it would be an egregious wrong to them to not only have the member for Northumberland disregard their entitlements but also for this House not to have done what it could to ensure that the delict, the offence, was committed again by the House as a whole when we had a chance to intervene.

I put to you, if they are names of young offenders, that this House then has the opportunity to respond, because the condition imposed on Hansard in this motion is that Hansard not publish their names until such time as the police have completed their investigation and, as a minimum, that four days of House sittings have passed. What that does is give this House an opportunity to entertain another motion which will in effect delete those names if in fact those names are the names of young offenders and ought not to be published.

I don't propose to judge Mr Galt. I have every confidence in our police to do their job.

I want to repeat how troubled I am that we have to engage in this debate. I want to express my concern about the fact that on three points of order this afternoon, where I attempted to draw the House's attention to it, Mr Galt from Northumberland certainly didn't want to seize the opportunity, but similarly other members of the House were silent. That's perhaps merely an indication of the fact that the seriousness of what had occurred this afternoon had not yet sunk in. There is going to be a member of this House who could well come under intensive police investigation, and I say to the members of the government back benches that if they find levity in that, then perhaps it's an indication of their ongoing scorn for those rules that they tell people out there to live by that they may not be prepared to live by themselves. Please.

2000

Mr Joseph Spina (Brampton Centre): That's nonsense and you know it.

Mr Kormos: Oh, Mr Spina, don't start. You're the opposition caucuses' best friend. I tell my counterparts in the government back benches, Mr Spina should not be one of your speakers to this motion, in your own interest, and if he wants to, do so at your own risk.

Mr Spina: Why not? It's not for you to decide. Stick to the issues.

Mr Kormos: I'm not sure Mr Spina will be very helpful to your cause. He's not being very helpful right now. In fact, it speaks for itself, doesn't it? It certainly speaks for itself.

Interjection: He called you a jerk.

Mr Kormos: That's OK. The House leader is now cautioning Mr Spina—no, that's the whip cautioning Mr Spina, speaking sotto voce into his ear. This is the colour commentary on what's going on over there, where the cameras can't quite reach. Mr Spina is frowning, trying to look as if he's not concerned. He's rifling through yesterday's newspapers, but I think the whip is getting to him. Good for the whip. This matter's far too serious to

be hijacked by the ilk of Mr Spina. It's one, as I say, where, with great regret, the police have been called in to investigate, where I, with great regret, attempted to address, however imperfectly, the matter this afternoon but received nothing but rebuff and disdain from the government member involved and other members of his caucus, and now where we have to bring this motion to try to protect five youngsters who may have been attacked, in the case of Mr Galt's comments this afternoon, in a way where they were totally incapable of defending themselves. It's a most unfortunate event.

I, of course, on behalf of the caucus, can indicate that we will be supporting this motion and we will be doing whatever we can to ensure that those youngsters whose rights may well have been seriously imposed upon, impacted on, this afternoon are protected from any other impositions or attacks on their rights and that the police have our fullest co-operation in the investigation which may well ensue.

I would say this to my friends in the House: please, surely to goodness the unfortunate experience of the then Solicitor General as a result of the naming of a young offender in the throne speech—and I have a great deal of sympathy for the Solicitor General. I believe he was used as a lightning rod. The Solicitor General didn't write the throne speech; I know that. But the Solicitor General got hung out to dry by his Premier's office to cover the Premier's office's butt, if you will. I have every regard for Mr Runciman, but after that experience that all of us witnessed, none of us can any longer say we didn't know. None of us can say that any more.

Don't, please, be all so high and mighty as to be talking law and order and the rule of law and then be prepared to break the law so readily in your own right, thinking somehow that because you're a government backbencher or a government frontbencher you are immune from the law. I put this to you: if anything, we should be held to a higher standard than the general public, we having been blessed with their support from our respective constituencies and with the responsibility to legislate and to speak for them in this Parliament.

So I tell you, I treat this matter very seriously. I look forward to a speedy investigation by the police and I await their determination and assessment of the issues in this matter.

Thank you kindly, Speaker. I will of course be joined by my colleague.

The Deputy Speaker (Mr Michael A. Brown): Further debate? The Chair recognizes the member for Northumberland.

Mr Doug Galt (Northumberland): Thank you very much, Mr Speaker. If I have done anything wrong, I sincerely apologize.

The Deputy Speaker: Further debate?

Ms Marilyn Churley (Toronto-Danforth): Let me start by saying that we appreciate the apology from Mr Galt and the recognition of the serious matter before us. As my colleague Mr Kormos has pointed out already, our caucus has written a letter asking for a police investiga-

tion. We are not prejudging at this point. We have no knowledge at this point what the police are going to find during that investigation.

We were approached, as I think all members of this House were concerned about those names—I believe, again, five people were named this afternoon. We certainly would not agree to have a motion come forward today that would just automatically remove those names from Hansard, because we have asked for a police investigation and that would be destroying evidence, so it's very important that those names remain on the record until such time as the investigation is over. That will determine whether or not those names should be removed to protect the young offenders, if that's the case, or, if it isn't a problem, then of course Hansard can remain and can then be publicized.

But the reality is that at this point we don't know. What we did agree to, because our caucus and Mr Kormos were very concerned, even though we understand that anybody who was watching the debate on television this afternoon would have heard those names and there is nothing we can do about that—that's already out there, but all three parties in this Legislature certainly have a responsibility to put aside our partisan differences here in this matter, to put them completely aside and to make sure that we do the right thing together, all three parties, to protect these young people in case it is a situation where their names were mentioned illegally.

That's the purpose of this motion that my colleague Mr Kormos put forward today. We worked very hard on that motion—yes, with the government whip and House leader and others. We attempted as well to work with the Liberal caucus on this motion, because we wanted to ensure that we could come up with a motion that all three parties could agree with, that nobody felt they were being sidelined or that their perspective was not being taken into account. It was our purpose from the outset to (1) ask for a police investigation and (2) make sure that we had a motion on the floor this evening that could be supported by all parties to guarantee that the public would not have access to this particular situation this afternoon.

Mr Speaker I think what is important to reiterate here, and my colleague Mr Kormos has said it, is that it doesn't matter whether you personally, anybody out there who is watching or anybody in here, agree or disagree with the law. It is the law that you cannot mention the name of young offenders publicly. That's the law. It's as simple as that. I think we all agree on that and therefore all agree on the seriousness of the situation when it happens. There is no disagreement on that. As my colleague Mr Kormos said earlier as well, certainly no member of this Legislature should be above the law.

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That is another reason why we took exception to the motion that was suggested to us by the government members, and that was to reach an agreement that those names be removed from the Hansard. That could not be, because we had a member of the Legislature who perhaps

broke the law, and that evidence has to remain. Indeed, if a member of this place breaks the law, then that member, just like any other member of the public who breaks any law whatsoever, has to be dealt with in that context.

What I don't understand is how we got to this position that we're in tonight. I know my colleague Mr Kormos, who is a lawyer and who is very interested in law-and-order issues, was listening very carefully to Mr Galt this afternoon. I must say, we all know in this place that sometimes late in the afternoon perhaps not as much attention is paid to speeches. I have to give credit to Mr Kormos, who actually was paying attention and did notice that those names had been said publicly and that perhaps they might well be the names of young offenders. He pointed that out to Mr Galt, to the Speaker and to members of the government, it is my understanding, not once, not twice, but three times.

For whatever reason, the seriousness of what had just transpired was not realized. I believe, from talking to Mr Kormos and from what he had said to me after the situation this afternoon when we were discussing how to handle it, he had indeed made several attempts to try to get members of the government to understand that perhaps a serious breach of the law had taken place here this afternoon. But for whatever reason, Mr Kormos at that time was not taken seriously.

I'm very pleased to see that it appears all members of the House are going to support this motion this evening. I believe, considering the seriousness of the situation before us, that perhaps a law has been broken, that we, in a non-partisan way, can come to an agreement this evening that we will support this motion and allow the proper process from here to proceed while at the same time protecting these young offenders, if indeed that's what transpired here this afternoon. We're not sure. That's why we've asked the police to investigate.

My colleague Mr Kormos mentioned that Mr Galt, the member for Northumberland, appeared to be reading the names of these five people from a program or a brochure or something from some event he had attended this afternoon, and I want to reiterate that that should be provided as part of the evidence as to what transpired here this afternoon.

Interestingly enough, we're dealing with a law-and-order issue here in the Legislature today. Frankly, I believe Mr Kormos does take it seriously. I've seen some heads nodding, and I believe there is a very strong consideration and understanding that the law is the law and nobody in this place is above the law. In fact, as some of my colleagues have said, it's probably important that those in this place sometimes be held to even higher standards.

For those who may be watching this debate and wondering what the heck is going on here this evening when we were supposed to be debating a bill—and may I say an odious bill which will come back, I suppose, another day—we're debating whether or not the member for Northumberland indeed broke the law this afternoon.

Let me say again that whether or not people understand the implications of what it means to mention the

names of young offenders, whether or not you agree with that law or whether or not you understand why there is such a law, it is the law. It's the law of the land and it's considered to be a very serious breach and can have profound, long-term impacts on a young offender and his or her family.

In closing, obviously I support the motion before us this evening. I would like to thank all the members in the Legislature who worked with Mr Kormos and the NDP caucus this evening in putting this motion together in such a form that I believe all members of the Legislature can support.

The Deputy Speaker: I would like to bring to the attention of all members a special guest in the public galleries, Sarah Deller, a close relative of one of our table officers.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I rise to support the motion submitted by my colleague the member for Niagara Centre, Mr Kormos. I want to take a few moments tonight just to speak to what happened here today and the motion brought to the House tonight by our friend from Welland-Thorold.

Having been here for over 25 years, I never cease to be amazed by the capacity of an institution such as this to create a new precedent. I don't recall in my 25 years in the assembly a circumstance quite like the one that has brought us here tonight.

I want to say at the outset that I congratulate Mr Kormos for his attentiveness this afternoon during the debate. I have said before and I will repeat tonight that it is simply too customary around this place, and all of us are guilty, that we just don't listen to what people who have the floor are saying. I say to Mr Kormos that I admire the fact that he was listening when the member for Northumberland was speaking. It makes the point that if you pay attention in Parliament it's amazing what you sometimes hear.

I also want to say that I wasn't in the House when the comments were made by the member for Northumberland. I happened to come in shortly thereafter when some of the follow-up debate was taking place, so I can't speak from any personal experience of being part of the debate because I wasn't here at that precise moment.

I have to ask myself the question, how do any of us come into the chamber armed with information such as is being complained of? I don't know how you access such a list, and I would again simply caution all members to be careful when, particularly if you're in government, your situation in government is such that you will have greater access than regular members of the Legislature.

You may recall—and I don't mean this to be self-congratulatory—that I raised an issue here this past spring about conduct at the Ministry of Finance and the Office of Privatization about the release of confidential information at the Province of Ontario Savings Office. That to me was an absolute scandal, just an outrage. Nothing has happened, nobody will have been reprimanded, and it's absolutely clear to me that senior officials inside the Ministry of Finance and the Privatization Secretariat were

seriously culpable. In that case you will remember that the confidential financial records of tens of thousands of depositors at the Province of Ontario Savings Office were released into a place where they ought not to have been. Nothing has happened, and I repeat: senior people in the Ministry of Finance—

Interjection.

Mr Conway: My friend from Wellington—I don't know whether he's trying to make light of it. I'm sure he isn't, because he's too—

Mr Ted Arnott (Waterloo-Wellington): I'm one of the depositors.

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Mr Conway: Well, I am too, and if my information is out there I really don't care, but it's the attitude that Her Majesty's own provincial government at the highest levels would break the law, in my view, and not care very much.

Have I heard the Minister of Finance come in here and apologize? No. I don't expect to. And the red-suspender crowd over at finance? No. Again, I'm not laughing, because it's the same basic issue: the inappropriate release into the public domain of information that ought not to be there.

My question in this regard is, how does a member of the Legislature end up with a handful of names of young offenders?

Mr Brad Clark (Stoney Creek): In a program.

Mr Conway: I'm sure there will be ample opportunity—I say to all members here, surely to goodness we are smart enough that we will be careful in the manner in which we use that information.

I remember the Gigantes case that was talked of here earlier tonight. I would say to ministers of the crown, be careful, as I'm sure most of you are, about materials that are put in—

Mrs Marie Bountrogianni (Hamilton Mountain): I would have lost my licence.

The Deputy Speaker: One member at a time would work far better.

Mrs Bountrogianni: Name me. I've never been named.

The Deputy Speaker: The member for Hamilton Mountain will come to order.

Mr Conway: It is a serious matter, I hope all members understand. One of our colleagues may very well be charged. There will be at least a police investigation. That's serious business. It's regrettable, but it's happened. I support the motion because I see it as a way in which the rest of us can take reasonable measures to mitigate the damage, as the member for the Danforth just said, to those young people who were mentioned wrongly or inappropriately before 6 of the clock this evening. But surely we understand—and I will say to new members—it is like the principle of common law: good cases should be remembered.

One of us tonight is not going to sleep very well. It's going to be a very difficult, painful time for that member, because the police are going to come calling, and that's

never a very happy set of circumstances. People are watching the broadcast tonight, and for all we know some of those young people might have been watching the broadcast. That has gone out. They could have been in Thunder Bay or in Pembroke or in Windsor or in Toronto and watching at a quarter of 6 this evening, and you could imagine their surprise at having their names put into the public domain as they were. So let us all understand what has happened here tonight.

I simply want to say again in conclusion that it's a serious matter. I congratulate the member from Welland for listening and paying attention, and that's a very good message and lesson to all of us on both sides of the aisle: how it is that members end up walking in here with the names of young offenders, particularly after the case of a few years ago involving the then Solicitor General. Let me say that on that occasion I had some real sympathy for Mr Runciman. I had none whatsoever for the crowd in the Premier's office, none whatsoever, because people who should have known better didn't do their job and vet that in a way that the normal vetting occurs before a speech is put in the hands of the Lieutenant Governor. That's a pretty recent example, and we don't seem to be getting the message. I don't know the circumstances, and that's not for me to determine, but I am concerned, quite frankly, that members of the Legislature get their hands on these lists, these names, and walk in here, after some of the precedents to which I've made reference, and enter those names into the public record.

It seems to me the motion brought by my friend the member for Niagara Centre is a reasonable one, reasonable in the sense that it allows an orderly process to unfold, and it does provide a mechanism by means of which the young people who have been impaired by the action taken by the member for Northumberland can be mitigated in some reasonable way. That's why I will support the motion tonight.

Mr John Gerretsen (Kingston and the Islands): This is a topic I would rather not be talking about here this evening because I happen to believe that each one of us, all 103 members who are elected to this House, are honourable members. We refer to each other that way in this House. Even though we may have many different points of view on different issues that confront us—and I dare say I'm probably about as partisan as you can get about a lot of the political issues in this House because I don't believe the manner in which this government has operated in many areas—I still believe that each and every member of this House comes into this place being an honourable member. We respect one another for that because each one of us is chosen to represent a particular area of this province in this House so that we can give a voice to the collective mind of the people of Ontario and come up with collective decisions on issues.

Whatever happened here this afternoon, and I was in the House when it happened, will unfold in due course. No matter what kind of a motion is passed here tonight, that's not going to change whatever happens and whatever investigation may take place. We may take the

position that we don't want the record of these hearings and this meeting and the meeting from this afternoon to be part of the public domain, but whatever has happened has happened. That will unfold in due course.

But this is not about the 103 of us in here. This is about the young people who have protection under the Young Offenders Act. Although there's been much debate and much discussion as to what should happen with the Young Offenders Act, whether or not it should be strengthened, whether or not in certain circumstances adult penalties should be involved, whether or not they should be tried in adult court and all that sort of thing, the whole concept behind not using the names of young offenders is to protect people who are not yet adults in our society so that they have a legitimate second chance at succeeding in life.

That is the whole reason behind not naming young offenders in public and why there has been a publication ban up to now in all cases. It is to deal with minors in a particular way so that once they become adults, they will not carry that stigma of having done something inappropriate against society's rules and laws while they were youngsters. In the whole debate about whether you're tough or easy on crime for young people or for old people, that sometimes gets lost.

That's where our concern should be, not so much in how it will affect the five or six individuals who were named by the member here this afternoon but in the general principle as to why young offenders should not be named in public. I happen to believe that people, whether they're young or old, deserve a second chance. That's why I'm fully in favour of those provisions in the Young Offenders Act that protect the identity of young people who have committed a crime in society. I know sometimes we get the impression in this place that we have parliamentary immunity, that we can say whatever the heck we like or want and that somehow we can't be taken to account on it, whether it's in civil actions or otherwise. I guess here we have a good example where that may—and I say "may" because whatever has to happen will have to unfold by way of the investigation—not be the case in this particular type of situation.

If there's one lesson that the 103 of us as honourable members of this House can learn from all of this, it is that maybe it will allow us to re-examine within ourselves the whole purpose in hiding the identity of young offenders. That I think should be the lesson we, hopefully, will all learn from this.

2030

Mr Dave Levac (Brant): I rise today probably with a heavier heart than I have had at all when I have stood in this place, not because of the specific information that was released, but for the idea and the ideals which we stand for. I've been trying to explain the position that we feel on this side of the House about private institutions and about corrections in general. What we have to remember, if my information is correct, is that this is a private institution we're talking about, and after some discussion and a few phone calls, it may indeed very well

have been that institution itself which made available that information that the member was quoting from. If that's the case, there's a breach in the Young Offenders Act right there that is a difficulty.

As I called up the Young Offenders Act in terms of identifying, I wanted to make sure I understood that, first of all, we can't identify these young offenders, and that is evident in subsection 38(1) under (a) and (b). But one of the other things I noticed was that there should be no other subsequent disclosure. When we talk about subsequent disclosure, "No person to whom information is disclosed, pursuant to subsection (1.11), shall disclose that information to any other person unless the disclosure is necessary for the purpose of preparing the report for which the information was disclosed" in the first place. That's making reference to very specific information that the public needs to know about the offender in order to prepare a subsequent plan for that young offender. Under any of these circumstances, I can't think of any reason why that should have been done in this particular House at this particular time.

The thing that we have to remember as well is that we have had situations on about three or four other occasions in this House where we've discovered that the private enterprise that seems to be running these facilities are the ones that again—and this gives substance to the claims that we've been making all along to this House that are attempting to shoot down members on the other side who say, there's nothing wrong with the private situation: "Everything's hunky-dory. Everything's fine. Everything's OK. Don't worry about it." Quite frankly, the very same institution I'm talking about was provided with an extra \$400,000 in its budget—pointed out by the Auditor General that we've got a problem here.

The problem exists in the inability of that particular privateer to do the job it needs to do in order to make our community safe and secure. Safety and security includes obeying the Young Offenders Act, and safety and security deemed by this particular law is basically saying that the safety and security of our public at large plus the offenders, once leaving the institution, are protected. What we have to do is make sure that we don't make an argument against this whole body because the breach takes place. If the breach takes place with this institution, there needs to be some accountability built into this. There are an awful lot of words being bandied about about accountability. Quite frankly, we are all accountable in terms of our own personal actions and deeds, and that'll take care of itself.

What I'm after, and members so far across the board have been talking about, is the protection of the young offender, as long as we maintain the protection of the young offender in terms of what is applied in the law, and the law very clearly states that we can't identify that particular individual. We took that information, from my understanding, from a graduation program that was produced. If it does require us to have an investigation, I'm going to leave the police investigation to itself, and subsequent to that the judiciary must be left to itself to

make those decisions. I'm very much supportive of that and I wouldn't want the two to mix either. I think our decision here has to be based on whether or not those rights were infringed upon and whether or not a member has indeed done something that he or she should not have done.

That being said, I want to provide other members an opportunity to make sure we understand that the discussion is based on the motion, which allows the system within itself to work and flush out what's wrong and what's right and provide the opportunity for the people in the judiciary and the police to do their job. We have to do our job here in the House. It behooves us all to make sure that we set ourselves on the right path to ensure that the rights of the citizens of Ontario, regardless of whether or not we have decided to deprive them of their freedoms, are protected.

Mr Duncan: Let me begin by saying that every fibre of my being tells me not to support this motion. My friend from Toronto-Danforth accused me of being strange some moments ago, and I can certainly understand that position.

Ms Churley: Weird.

Mr Duncan: Weird, that's correct.

This government has lectured us time and time again about the problems with the Young Offenders Act, an act that is designed to protect young people and get them proper corrections when they find themselves in trouble with the law. Yet we have the member from Northumberland who violates every principle of that and has lectured me time and time again in this House about not giving those kids any kind of leniency, about not understanding the difference between a crime committed by a 13-year-old and a crime committed by an adult, and as soon as they make a mistake, what do they want to do? They want to expunge the record. That offends every sense of decency that I have. Do you know what? You can try to expunge the record any way you want—the Minister of Education laughs and jokes, but this is a serious matter.

Hon Janet Ecker (Minister of Education): Speaker, on a point of order—

Mr Duncan: She's not in her seat.

The Deputy Speaker: Point of order. Stop the clock. You're not in your seat; you have no personal privilege.

Interjections.

The Deputy Speaker: The member for Windsor-St Clair. If he wishes to moderate his remarks, that would be fair.

Mr Duncan: With all due respect, no, I don't wish to moderate my remarks. The Minister of Education demonstrated the absolute intolerance and lack of understanding that government has for the problems of youth in our correctional system. So, no, I will not. And that kind of intolerance is indicative of a government that on the one hand will say, "The first time our minister gets out of line, let's expunge the record or at least let's put the record aside for a moment while we consider this," and then on the other hand will throw the book at those young kids.

It is only because of the arguments that are contained in the Young Offenders Act itself and the nature of protecting the rights of those kids—and I say to my friend from Niagara and my friend from Toronto—Danforth and my friend from Renfrew and my friend from Kingston and the Islands, you have convinced me of that, and party politics aside. But when I get lectures from you over there about this issue and when I see the member from Northumberland stand up in this House—and I want to know where he got those names. I want to know if he got them from the minister of corrections. I reviewed the record of what that party did to other members, other cabinet ministers in this House, whether it was an NDP minister or a Liberal minister. I want to know about that. The Minister of Education laughs and shakes her head, because in my view they don't have an understanding of what's really at stake here, just like the member for Northumberland obviously didn't have an understanding of what is at stake when you named the names of young people in this House and put it out in the public.

Every fibre of my being wants to just take that member and do to him what I'm sure he'd do to the young offenders if he had the opportunity. Every fibre of my being says we're not going to let this die. This is a fundamental breach of the rights of those young individuals. It is certainly abuse of this Parliament, in my view, and I can support this motion only because of that, and only to say to this government, no more sanctimonious lectures. Because as soon as you get into any trouble, you want to use your majority to expunge the record. You want to use your majority to try to pretend that what was said in this House a mere four hours ago was not said.

We will not forget, we will not let you forget, the people of this province will not forget. And maybe—just maybe—you'll start to think about what you are saying in this House, whether it involves the rights of six young individuals or whether it involves the rights of an entire group of people in this province. I will reluctantly support this, with the warning to this government that this is not the last you have heard on this issue.

2040

The kind of public policy you are practising, the kind of scapegoating you are practising, the kind of "Let's drug-test all them welfare bums"—that kind of stuff ought to stop. I'm ashamed of this assembly, I'm ashamed of the member from Northumberland and I'm ashamed to have to vote for this motion. In my view, it abrogates what we are as a Parliament and as free-thinking people who ought to do things with due process and due consideration for the rights of individuals. It's a sad, sad occasion in this House that we have to do this tonight. I'm embarrassed as a parliamentarian, I'm embarrassed as a member of this Legislature and I'm embarrassed as a citizen of this province.

Ms Caroline Di Cocco (Sarnia-Lambton): The member from Windsor-St Clair has shown a great deal of passion in his discussion tonight, and this discussion

deserves a great deal of passion. Too many times in this House I have heard members take too much liberty in what is said, and that happens all the time. We as elected members should be held to a higher standard.

I have listened and listened to government members who show no tolerance. I have heard and I have seen no tolerance: "If you make one breach of welfare, you don't get any more welfare cheques." I have listened to this tough-talking group of people when it comes to people who break the law. We should be held to a higher standard. Yet I've heard the rhetoric over and over in this House, and no one is really held accountable.

To me, the breach of privacy is not so much that the mistake was made, but oftentimes it's the attitude that although there is a breach—in the case of the privacy commissioner, of giving out names—it's just swept under the rug. It's allowed because you have a majority, and it should not be allowed. That was wrong and it is still wrong. Yet, as the member from Pembroke has stated, I didn't hear Minister Eves apologize. I didn't hear anyone apologize. It's not apologized for; it's justified.

The member from Hamilton Mountain said that had she done something similar to this, she would have lost her licence. Yet we in this House say a mistake was made. Again, it's the attitude of this place that I sometimes see and it's the level of debate and the level of arrogance that we as honourable members should not have.

I've been saddened by what I've seen here today and tonight. Sometimes I see that doing the right thing is not what drives the agenda. Over and over again I have heard disparaging remarks made on issues of the Young Offenders Act. I hope that each one of us learns from this lesson. I hope that each one learns that this Legislature is an honourable place to debate issues, and to debate issues in the interest of the public good. Somewhere along the line, that has been forgotten here. I have heard too many times, when I have spoken to members on all sides of the House, that the Legislature is irrelevant. We fill in time to speak, we fill in 20 minutes, we fill in 10 minutes. We fill in time and we don't think about what we must say.

I feel that by expunging remarks we as a Legislature are suggesting that those remarks have not been said. Unfortunately, the mistake has been made. Unfortunately, the rights of those individuals have been breached. We in this Legislature can only do the best we can to rectify what we can at this point in time. I have to commend all the members on all sides of the House who at least are going to try to protect in whatever small way we can the interests of those young people.

When I first came into the Legislature, I looked at this place with awe. I thought, "This is a wonderful place where we're going to make a difference, and we're going to make a difference for the public good." I believed that. In my heart of hearts I truly believed that was the purpose of this place. This is not a place where we hear disparaging remarks. It is not a place that gives us license to say whatever we want to say without understanding the

facts, without maintaining a high standard in what we say, understanding also that we have to base our remarks on good practices.

The Deputy Speaker: Further debate?

There being no further debate, Mr Kormos has moved:

That all records of remarks by the members during the debate of the motion regarding Bill 144 on Monday, December 4, 2000 not be published electronically or in print, or in any other public form until such time as the police have completed any investigation of remarks during that debate, and further, that Hansard maintain and preserve all records and evidence of that debate, and that in any event, publication of the debate by Hansard shall not be done until such time as the Assembly is sitting and has sat for four calendar days and that the question be put no later than 9:20 and time be split equally among the three parties.

Is it the pleasure of the House that the motion carry?
Carried.

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2049 to 2050.

The Deputy Speaker: All in favour of the motion by Mr Kormos will stand one at a time until recognized by the Clerk.

Ayes

Agostino, Dominic
Arnott, Ted
Baird, John R.
Bisson, Gilles
Bountrogiani, Marie
Christopherson, David
Churley, Marilyn
Clark, Brad
Coburn, Brian
Conway, Sean G.
Crozier, Bruce

Di Cocco, Caroline
Ecker, Janet
Elliott, Brenda
Gerretsen, John
Gilchrist, Steve
Hampton, Howard
Hastings, John
Johnson, Bert
Klees, Frank
Kormos, Peter
Levac, David

Mazzilli, Frank
McMeekin, Ted
Munro, Julia
Murdoch, Bill
Spina, Joseph
Stewart, R. Gary
Stockwell, Chris
Wettlaufer, Wayne
Wilson, Jim
Wood, Bob

The Deputy Speaker: Those opposed?

Clerk Assistant (Ms Deborah Deller): The ayes are 32; the nays are 0.

The Deputy Speaker: I declare the motion carried.

ROYAL ASSENT SANCTION ROYALE

The Deputy Speaker (Mr Michael A. Brown): I beg to inform the House that in the name of Her Majesty the Queen, Her Honour the Lieutenant Governor has been pleased to assent to certain bills in her office.

Clerk at the Table (Ms Lisa Freedman): The following are the bills to which Her Honour did assent:

Bill 69, An Act to amend the Labour Relations Act, 1995 in relation to the construction industry / Projet de loi 69, Loi modifiant la Loi de 1995 sur les relations de travail en ce qui a trait à l'industrie de la construction.

Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

RED TAPE REDUCTION ACT, 2000

LOI DE 2000 VISANT À RÉDUIRE LES FORMALITÉS ADMINISTRATIVES

Mr Spina, on behalf of Mr Hodgson, moved third reading of the following bill:

Bill 119, An Act to reduce red tape, to promote good government through better management of Ministries and agencies and to improve customer service by amending or repealing certain Acts and by enacting two new Acts / Projet de loi 119, Loi visant à réduire les formalités administratives, à promouvoir un bon gouvernement par une meilleure gestion des ministères et organismes et à améliorer le service à la clientèle en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.

Mr Joseph Spina (Brampton Centre): I'm pleased that we can get into this third reading. This bill contains more than 200 amendments to acts and 15 ministries. It contains a variety of measures to update and simplify legislation for the benefit of Ontarians. While the actual legislation deals with the minutiae of correcting, updating and modernizing legislation, the benefits to the people of Ontario are unmistakable.

This bill will protect consumers by prohibiting the charging of significant upfront fees by credit repair companies for services that consumers that can do for themselves at little or no costs. It provides insurance benefits to volunteer auxiliary police officers if they are injured while providing service. It expands the recognition of electronic records. It updates legislation to reflect new methods of data collection and record keeping. It strengthens the Workplace Safety and Insurance Board's anti-fraud strategies. It increases measures to deal with irresponsible dog owners and, lastly, to increase the amount of compensation to victims of crime.

The bill also proposes to repeal two acts: the Ontario Training and Adjustment Board Act, 1993—the Ontario Training and Adjustment Board was disbanded in 1996—and the Hunter Damage Compensation Act. Standard livestock insurance policies include hunter damage to livestock as a normal insured peril.

In May 2000, Premier Harris announced the establishment of the permanent Red Tape Commission to eliminate and prevent job-killing red tape. The commission plays an important role in the government's efforts to continue building the right climate for jobs and investment in Ontario. It was part of the Common Sense Revolution and part of the Blueprint for Ontario in a recent throne speech. The key objectives of the commission are to help business, institutions and consumers with red tape problems; to evaluate regulatory proposals

using a new business impact test that will weed out those proposals that are job killers; to coordinate the development of at least one red tape reduction bill per year; to assist ministries in implementing annual red tape reduction plans; and to undertake special red tape reduction projects on behalf of ministries and groups and individuals with an interest in government issues.

I'll be sharing my time with the member from London West. I'm proud to say he was the former co-chair of the Red Tape Commission since the election in 1999 and I was pleased and honoured to have taken his place in the recent move. The member from London West I know is extremely knowledgeable and very passionate about getting rid of red tape and creating an environment that is more positive for business.

When this act is passed, we are confident there are a number of other issues, beyond what I've just mentioned in a quick summary, that will go a long way toward assisting jobs in Ontario.

I just want to talk on this one issue, which was a very critical one but very little known, called viatical settlements, in Ontario. The issue that arose was the Red Tape Commission's recommendation to permit a viatical industry in Ontario to provide an option for terminally ill individuals who need additional financial resources. The Ministry of Finance proposes to amend the Insurance Act to allow regulation-making power to govern viatical settlement activity in Ontario. Viatical settlements allow a life insurance policy owner to sell the policy to a third party at a discounted rate from the face value of the policy. Typically, an insured will have a shortened life expectancy and be in need of financial resources to offset medical or other expenses. The insured changes the beneficiary of the policy to the buyer and, when the insured dies, the buyer gets the payout under the policy.

There are other jurisdictions that deal with this in the United States. Viaticals began in 1989. Today there are about 70 operating companies with an estimated \$500 million in life insurance policies viaticated each year according to the Viatical Association of America and the National Viatical Association, two trade groups representing the viatical industry.

2100

Thirty-two states regulate viaticals to some degree, and 24 states require viaticals to hold a licence or have an application filed in order to conduct business. In most cases, the state insurance department regulates viaticals; however, in several states regulation is the responsibility of the securities regulator. Although some states have developed their own specific legislation to regulate viaticals, many have adopted the suggested legislation proposed by the National Association of Insurance Commissioners, NAIC, in the early 1990s.

In Canada, Nova Scotia and Quebec are the only provinces that allow transactions similar to viatical settlements, and now we trust that the third province will be Ontario.

In 1997 the Red Tape Commission of Ontario recommended that a greater number of options should be avail-

able to the terminally ill who have life insurance policies. Specifically, the commission's final report, *Cutting the Red Tape Barriers to Jobs and Better Government*, January 1997, concluded, "There is a consumer demand for viatical settlements that will grow with the demands of an aging population and a business interest from viatical companies wanting to operate in Ontario. The Ministry of Finance will amend the Insurance Act to permit these companies to operate in Ontario. Regulatory systems will be developed to govern viatical settlement activities to ensure that policyholders and investors are informed and protected. The marketing of viatical investments will be protected through either the Insurance Act or the Securities Act or a combination of both acts."

I'm proud to speak on this issue, and happy now to turn it over to the member from London West, with whom I said I would share my time.

Mr Bob Wood (London West): As we take a look at this bill, I think we might take a look at some of the principles on which it is based. What is red tape? By my definition, red tape is any process or procedure that the Ontario government puts its citizens or its own members of the public service through that's not absolutely essential to achieving an identified government objective. The goals of the Red Tape Commission are of course to create in Ontario one of the best regulatory regimes in the world and some of the best customer service in the world. I'm pleased to note that over the past five years the commission has come a long way in achieving those objectives.

These objectives are important because (1) surely our people deserve nothing less and (2) it is absolutely essential to do just that in order to attract and maintain the kind of investments and jobs we need in Ontario. Foreign jurisdictions understand the importance of a good red tape reduction program. The socialist government of France recently set up its equivalent of a red tape commission, and we have similar commissions in the United Kingdom, in New York state and in all kinds of other jurisdictions. If we intend to compete, as we must, with these jurisdictions in the 21st century, we've got to make sure we are well ahead of the curve in this area.

We appear to be moving towards at least one red tape bill each and every year. This is perhaps the fourth year in which we have had a red tape bill before the Legislature. I think that's a very good thing. Prior to the Red Tape Commission, there were little red tape problems throughout all the ministries, which took years and years to get solved. We now have a mechanism where, within a reasonable period of time, satisfaction can be given to those who have legitimate complaints. That, in and of itself, justifies the work the commission does.

The previous speaker set out in some detail the many excellent things the commission is involved in. I suggest that when you take a look at the 200-plus changes that are made in this bill and go through them one by one, you will find that every one of these changes meets the principles I have just set out. I think that is what the commission really does for the people of this province. It has a good definition of good regulatory policies, and it

works with every ministry and with the cabinet to try to make sure that not only are they developed and recognized—and that's always important—but that they are actually applied, so that the people dealing with the various ministries can see the results of those good ideas. It also works with every ministry and with the cabinet to try to make sure we are giving the best possible customer service.

We know that over a long period of time there is much work still to be done, and there is much work still to be done today with respect to customer service in the government of Ontario. But a good start has been made, and I look forward to a lot of very positive things coming from the commission and from this bill.

Mr John Gerretsen (Kingston and the Islands): Let me start by saying that this place never ceases to amaze me. Earlier this evening we had a situation in which ultimately a motion was passed by the entire House supporting a certain situation with respect to expunging the record on a matter that happened to one of our members here. Many of us in the House talked about the fact that we may have our disagreements but we are honourable members.

What the government whip has just done in this House is totally and completely unacceptable. He has called for third reading a bill, Bill 119, which contains 128 pages, which has about 26 schedules and which had already been time-allocated, so that when it was called for third reading it would be debated just during that sitting.

What does that normally mean? It normally means that after question period and petitions, orders of the day would be called, Bill 119 would be called for debate and there would be a two- to a two-and-a-half-hour debate in this House, as set out in the time allocation motion, and the time would be split equally between all the parties. This means that each party would at least get something like 40 minutes to debate this huge bill. This, in and of itself, is quite unacceptable, particularly on a bill that has such huge significance and dimensions as this one.

As a result of the motion, which I talked about earlier, being approved about 15 minutes ago or even less than that, he has now taken it upon himself to call this bill, so that there will be a total of 30 minutes' debate.

That's funny—I see some people smiling there. It's kind of like, "I gotcha." It's wonderful, you know: you have finally won the day. I see the Minister of Education shaking her head. Minister of Education, you should—and she's entitled to shake her head—

Hon Janet Ecker (Minister of Education): On a point of personal privilege, Mr Speaker: I am sitting here doing my own work, discussing issues with my caucus colleagues. The last time I checked, members in this Legislature are allowed to have private conversations with their colleagues on either side of the House. If the rules—

The Deputy Speaker (Mr Michael A. Brown): Thank you. I get the drift. It sounds more like debate.

Mr Gerretsen: In that case, I apologize, Minister. You can shake your head all you want. I apologize. But

the fact still is that you're giving each one of the opposition parties a total of 10 minutes to discuss this 128-page bill that affects about 20 to 25 different ministries.

You wanted our co-operation on the other thing, and that co-operation was given. There was a long debate on it, sir. Your own motion stated that the—
2110

Hon Jim Wilson (Minister of Energy, Science and Technology): We're cutting red tape. We don't want to have a long debate.

The Deputy Speaker: Order. The Minister of Energy will come to order.

Hon Mr Wilson: Sit down.

The Deputy Speaker: The Minister of Energy will come to order. The Minister of Energy is going to be named if he doesn't come to order.

The member for Kingston and the Islands.

Mr Gerretsen: Mr Minister, this is—

Hon Mr Wilson: Now you see the real Jim Wilson.

The Deputy Speaker: The Minister of Energy is named.

Mr Wilson was escorted from the chamber.

The Deputy Speaker: The member for Kingston and the Islands.

Mr Gerretsen: Thank you very much, Speaker—

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: The member indicated that calling Bill 119 is unacceptable. Would you rule on that?

The Deputy Speaker: It's in order.

Mr Gerretsen: Sir, it's totally acceptable within our rules. But now we're talking about being honourable—one member, one caucus to another caucus.

You know as well as I do that during the last five years when any other bill in this House has been called for third reading debate, there has been a one-day debate on it, meaning somewhere between two and two-and-a-half hours. What you have just done by your move to call this particular bill forward during the last 30 minutes of this session is that you have unilaterally decided, "No, we're not going to discuss this for two hours. No, we're not going to discuss this for two and a half hours. Each caucus will get 10 minutes."

If you think that is acceptable, then so be it. Are you strictly within the rules? Yes, I guess you are because it is one sessional day, even though in effect it only lasts for 30 minutes. But I ask the other honourable members here, irrespective of what party you belong to, whether or not that was the honourable thing to do.

I think we can all formulate our own opinions on that. All I know is that it is a travesty of the democratic system to expect on third reading of a bill to pass it within 30 minutes, a 128-page bill that has—let me just read to you some of the ministries it deals with. It deals with the Ministry of the Attorney General, the Ministry of Consumer and Commercial Relations, the Boundaries Act, the Business Corporations Act, the Certification of Titles Act, the Change of Name Act, the Collection Agencies Act, the Condominium Act, the Consumer Reporting Act, the Land Registration Reform Act, the Land Titles

Act, the Mortgages Act; it deals with the Ministry of Education, the Education Act; it deals with the Ministry of Energy, Science and Technology, the Electricity Act, the Ontario Energy Board Act; it deals with the Ministry of the Environment, the Environmental Assessment Act, the Environmental Review Tribunal Act; it deals with the Ministry of Finance.

It deals with amendments to the Ministry of Health and Long-Term Care, such as the Health Insurance Act, the Ministry of Health Appeal and Review Boards Act; it deals with the Ministry of Labour, it deals with amendments proposed by the Management Board Secretariat and it deals with amendments proposed by the Ministry of Municipal Affairs and Housing, including the Building Code Act, the Municipal Act, the Municipal Tax Sales Act, the Municipality of Metropolitan Toronto Act, the Planning Act, the Tenant Protection Act—

Interjection.

Mr Gerretsen: Well, it will take me at least another nine minutes to read all the various acts that it deals with.

Then we go on. It deals with the Ministry of Natural Resources, the Aggregate Resources Act, the Conservation Land Act, the Crown Forest Sustainability Act, the Forestry Act, the Lakes and Rivers Improvement Act, the Niagara Escarpment Planning and Development Act, the Oil, Gas and Salt Resources Act and the Public Lands Act.

It deals with amendments proposed by the Ministry of Northern Development and Mines, amendments proposed by the Ministry of Training, Colleges and Universities and amendments proposed by the Ministry of Transportation. Last but not least, it deals with the Wine Content Act.

Those are the acts this bill deals with, and on third reading, through your action here, unilateral action—fast, do it quickly, when you darn well know that the intent to debate is for at least a two to two-and-a-half-hour period, as it always has been during the last five years. You have limited the total debate to 30 minutes. I find that totally unacceptable.

For the parliamentary assistant to in effect say, “Well, it only deals with red tape”—you know as well as I do, Speaker, that most of the bills we have had in front of us deal with only one thing: creating more red tape; not diminishing red tape but creating more red tape.

I would ask the government ministers who are in the House right now, including the whip, the Minister of Education, the Minister of Labour and the Minister of Community and Social Services, to do the right thing: ask your whips to pull this bill back. You know it has already been time-allocated. It's something we have opposed right from the beginning.

We feel that a bill as substantial as this requires public hearings. I believe there were actually public hearings of one day or a two-hour session. We feel this needs a full and open discussion with the general public.

To pull a fast one like this—and that's the only way I can describe it—by putting this bill forward in the last 30 minutes of a legislative day I think is unbecoming of the

government and unbecoming to the members of this particular House.

I implore the Minister of Labour, whom I've always found to be a reasonable individual: why don't you do the right thing, sir? You have a minute and three seconds to talk to your whip and say to the other minister there, “Let's do the right thing.”

The opposition did the right thing with that motion earlier today. Let's show our good faith and let's say, “Yes, we will give you an undertaking that we are not going to call for a vote on this bill today, but we are going to call this bill forward again tomorrow,” so that it can have the customary standard two hours of debate that we normally get when a bill is time-allocated. If you're not going to do that, then how can you possibly expect co-operation from the opposition in the future? There's an old saying that those who live by the sword, die by it. Whereas I certainly in this Christmas season don't wish harm or ill on anybody, just remember that what goes around, comes around. The manner in which you've acted is not correct and it is not becoming of honourable members.

Mr Gilles Bisson (Timmins-James Bay): I'm not surprised by this move by the government to try to pull a fast one at the end of the sessional day because they feel as if they've been stung. Two of their own have done something that's inappropriate. Their caucus is having to pay the price and they're trying to figure out some way to come back and pull a bit of a fast one on the opposition. I just think the government's doing this at this late hour tonight, Monday, is unbecoming of what a government should be all about and is a bit of a childish move on their part.

I think, as most other people think, that when it comes to how Legislature works, you're supposed to have a government working in co-operation, to a certain extent, with the opposition parties so that we can have fair and clear debate about issues that are brought before the House to make sure the views of the people of Ontario are brought to the floor and, more important, that those views be seen inside the bill; that when a government brings legislation forward, the bill be fine-tuned to a certain extent as per the debate that happens in this Legislature when it comes to the views that are expressed to us as representatives of the people we represent in our riding.

Clearly what the government is demonstrating again, far too often, unfortunately, in the last six years, is a government that says, “The public's opinion be damned; what the people say be damned.” At the end of the day, all that's important is the view of Mike Harris and the view of a few other people in the Premier's office as to what is important for the province of Ontario.

It brings me to this point. More and more of us in Ontario are coming to realize that we are in deep need of reform about how the parliamentary process works. We see, far too often, bills brought through this House hastily. We see bills that are not properly debated, we see bills that might be brought forward with good intent on

the part of the government, I'm willing to concede, but often, when it comes to practical things, how a bill works and how it affects the group or the citizens it is aimed at, it doesn't work quite well.

What we have is a government that brings in bills, foists them on the House, doesn't allow proper debate, doesn't allow proper hearings at the committee level so that when bills are finally passed in this House we are doing so in about two days or three days of debate where in the past we used to have a little bit more time.

The problem we have in this Legislature is that the parliamentary system that was devised some 300 years ago in Mother England, when it comes to the mother of all Parliaments, has not kept pace with where we are today. I would argue that we are in deep need of reform about how this Legislature does not work. I would argue that we need to do a couple of things. One is to reform the rules of Parliament so that there is actual meaningful debate within this Legislature so that at the end of the day the people, the voters of the province of Ontario, are able to see them through their representatives in this House, something that doesn't happen here because of the way the rules work and the way that the government chooses to use those rules as they have tonight.

The second point I would make is that we really need to have electoral reform. I would argue, I think as many backbenchers both in the government and in the opposition benches would agree, that this system is about power. It is about a few people at the head of a party. In the case of government it's about the Premier and a few people around him in cabinet. In the case of opposition it's around leaders and a few people around them. It has very little to do with the public and it has very little to do with about 90% of members of this Legislature. What we should be trying to do in this the new millennium is to try to find both an electoral system in this province and parliamentary reform that more closely resembles the view, the needs and the aspirations of the people of this province.

Some of the things we should be looking at—we should be looking at the process of parliamentary reform with an eye to proportional representation. There is something wrong in a democracy that says a party that gets 42% of electoral votes is able to get a clear majority in the House. I would argue as a New Democrat that an NDP government that was elected on 37% of the vote and got a clear majority in the House is wrong, not on the fact that they were New Democrats but on the fact that they didn't have a clear 50% of the votes in the general election. There has scarcely been an example in this House where a party has been elected by better than 50%. What we should move to is a system that says that if you got 42% of the electoral vote in a general election, the number of seats in this House should represent 42%, so that you don't have a clear majority and that the number

of seats in the House by proportion are representative of the vote you got in the general election. That is one of the things that I would argue.

Through that system you would also be able to see better co-operation within the House, where you would have a situation where the government caucus, in this case a Conservative caucus, would need the support of at least 9% of the members on the opposition benches to be able to pass any of their legislation. That would be a safeguard for the public of Ontario. Either 9% within the Liberal caucus or 9% within the NDP caucus, or a combination thereof, would have to support the government in any bill that it brings forward. That would temper a government and make sure that it governs in a way that is more in keeping with the needs of the people of the province.

I would also argue that we should move to a system of electoral reform, which we will have an opportunity to speak to a little bit later, at a future date.

More to the point today, I would like to move adjournment of the House.

The Deputy Speaker: Mr Bisson has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2124 to 2154.

The Deputy Speaker: Members please take their seats. Mr Bisson has moved adjournment of the House.

All those in favour will rise and remain standing.

All those opposed will rise and remain standing.

Clerk Assistant (Ms Deborah Deller): The ayes are 11; the nays are 32.

The Deputy Speaker: I declare the motion lost.

Pursuant to the order of the House dated October 17, I am now required to put the question. Mr Spina has moved third reading of Bill 119. Is it the pleasure of the House that the motion carries?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members, this will be a five-minute bell.

I have received a letter from the chief government whip requesting that the vote on Bill 119 be deferred until tomorrow during deferred votes.

Mr Duncan: On a point of order, Speaker: The opposition wishes to be recorded as being opposed to that.

The Deputy Speaker: The vote will take place, obviously, tomorrow during deferred votes.

It being past 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2156.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Marie (L)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton West / -Ouest	Christopherson, David (ND)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Beaches-East York	Lankin, Frances (ND)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguee aux Affaires des personnes âgées et à la Condition féminine
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)		
Brampton Centre / -Centre	Spina, Joseph (PC)		
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		
Brant	Levac, Dave (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Burlington	Jackson, Hon / L'hon Cameron (PC) Minister of Tourism / ministre du Tourisme	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Cambridge	Martiniuk, Gerry (PC)	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Chatham-Kent Essex	Hoy, Pat (L)		
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Don Valley East / -Est	Caplan, David (L)	Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Minister of Transportation / ministre des Transports		
Dufferin-Peel- Wellington-Grey	Tilson, David (PC)	Leeds-Grenville	Runciman, Hon / L'hon Robert W. (PC) Minister of Consumer and Com- mercial Relations / ministre de la Consommation et du Commerce
Durham	O'Toole, John R. (PC)		
Eglinton-Lawrence	Colle, Mike (L)	London North Centre / London-Centre-Nord	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Elgin-Middlesex-London	Peters, Steve (L)		
Erie-Lincoln	Hudak, Hon / L'hon Tim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines	London West / -Ouest	Wood, Bob (PC)
Essex	Crozier, Bruce (L)	London-Fanshawe	Mazzilli, Frank (PC)
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of Labour / ministre du Travail	Markham	Tsubouchi, Hon / L'hon David H. (PC) Solicitor General / solliciteur général
Etobicoke North / -Nord	Hastings, John (PC)	Mississauga Centre / -Centre	Sampson, Hon / L'hon Rob (PC) Minister of Correctional Services / ministre des Services correctionnels
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Guelph-Wellington	Elliott, Brenda (PC)	Mississauga South / -Sud	Marland, Hon / L'hon Margaret (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion	Mississauga West / -Ouest	Snobelen, Hon / L'hon John (PC) Minister of Natural Resources / ministre des Richesses naturelles
Halton	Chudleigh, Ted (PC)		
Hamilton East / -Est	Agostino, Dominic (L)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Scarborough East / -Est	Gilchrist, Steve (PC)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Minister of the Environment / ministre de l'Environnement
Niagara Falls	Maves, Bart (PC)	Scarborough-Agincourt	Phillips, Gerry (L)
Nickel Belt	Martel, Shelley (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Nipissing	Harris, Hon / L'hon Michael D. (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe North / -Nord	Dunlop, Garfield (PC)
Northumberland	Galt, Doug (PC)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister without Portfolio / ministre sans portefeuille	St Catharines	Bradley, James J. (L)
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	St Paul's	Bryant, Michael (L)
Oshawa	Ouellette, Jerry J. (PC)	Stoney Creek	Clark, Brad (PC)
Ottawa Centre / -Centre	Patten, Richard (L)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa-Orléans	Coburn, Brian (PC)	Sudbury	Bartolucci, Rick (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Oxford	Hardeman, Hon / L'hon Ernie (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	Eves, Hon / L'hon Ernie L. (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Peterborough	Stewart, R. Gary (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Education / ministre de l'Éducation	Vaughan-King-Aurora	Palladini, Hon / L'hon Al (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Prince Edward-Hastings	Parsons, Ernie (L)	Waterloo-Wellington	Arnott, Ted (PC)
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Vice-Chair / Vice-Président: Alvin Curling
Gilles Bisson, Alvin Curling, Gerard Kennedy,
Frank Mazzilli, John R. O'Toole, Steve Peters,
R. Gary Stewart, Wayne Wettlaufer
Clerk / Greffière: Susan Sourial

**Finance and economic affairs /
Finances et affaires économiques**

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Vice-Chair / Vice-Président: Doug Galt
Ted Arnott, Marcel Beaubien, David Christopherson,
Doug Galt, Monte Kwinter, Tina R. Molinari,
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Clerk / Greffière: Susan Sourial

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Toby Barrett, Marie Bountrogianni, Ted Chudleigh,
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Rosario Marchese, Julia Munro
Clerk / Greffière: Anne Stokes

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Vice-Chair / Vice-Président: Bruce Crozier
James J. Bradley, Bruce Crozier, Leona Dombrowsky,
Bert Johnson, Morley Kells, Tony Martin,
Joseph Spina, Bob Wood
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Justice and Social Policy / Justice et affaires sociales

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Brenda Elliott, Garry J. Guzzo, Peter Kormos,
Lyn McLeod, Marilyn Mushinski
Clerk / Greffier: Tom Prins

Legislative Assembly / Assemblée législative

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Vice-Chair / Vice-Président: Brad Clark
Marilyn Churley, Brad Clark, Caroline Di Cocco,
Jean-Marc Lalonde, Jerry J. Ouellette, R. Gary Stewart, Joseph N.
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Marilyn Mushinski, Richard Patten
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Règlements et projets de loi privés**

Chair / Présidente: Frances Lankin
Vice-Chair / Vice-Président: Garfield Dunlop
Gilles Bisson, Claudette Boyer, Brian Coburn,
Garfield Dunlop, Raminder Gill, Pat Hoy,
Frances Lankin, Bill Murdoch
Clerk / Greffière: Tonia Grannum

CONTENTS

Monday 4 December 2000

SECOND READINGS

Employment Standards Act, 2000,

Bill 147, Mr Stockwell

Mr Stockwell 6067

Debate adjourned..... 6068

THIRD READINGS

Red Tape Reduction Act, 2000,

Bill 119, Mr Hodgson

Mr Spina 6076

Mr Wood 6077

Mr Gerretsen..... 6078

Mr Bisson 6079

Vote deferred 6080

ROYAL ASSENT

The Lieutenant Governor..... 6076

OTHER BUSINESS

Disclosure of confidential information

Mr Kormos 6068

Mr Galt 6070

Ms Churley 6070

Mr Conway 6072

Mr Gerretsen..... 6073

Mr Levac 6073

Mr Duncan..... 6074

Ms Di Cocco..... 6075

Agreed to 6076

TABLE DES MATIÈRES

Lundi 4 décembre 2000

DEUXIÈME LECTURE

Loi de 2000 sur les normes d'emploi,

projet de loi 147, M. Stockwell

Débat ajourné..... 6068

TROISIÈME LECTURE

Loi de 2000 visant à réduire

les formalités administratives,

projet de loi 119, M. Hodgson

Vote différé 6080

SANCTION ROYALE

La lieutenant-gouverneure 6076

